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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2636

RIN 3209-AA13

Prohibition of Honoraria

AGENCY: Office of Government Ethics.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Government Ethics is issuing an amendment to 5 CFR part 2636 to implement section 314 of the Legislative Branch Appropriations Act for 1992 for executive branch employees. Section 314 of that act amends section 505(3) of the Ethics in Government Act to provide that the definition of the term "honorarium" includes a payment of money or any thing of value for "a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government."

DATES: Interim regulation effective January 1, 1992. Comments by agencies and the public are invited and must be received by March 9, 1992.

ADDRESSES: Comments on this interim regulation should be sent to the Office of Government Ethics, suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, Attention: Ms. Glynn.

FOR FURTHER INFORMATION CONTACT: Marilyn Glynn, Office of Government Ethics, telephone (202/FTS) 523-5757, FAX (202/FTS) 523-6325.

SUPPLEMENTARY INFORMATION:

A. Summary of Legal Background

This interim rule is being published by the Office of Government Ethics following consultation with the Department of Justice and the Office of Personnel Management. It amends 5 CFR 2636.203(a) to reflect the change in the definition of the term "honorarium" in section 505(3) of the Ethics in Government Act of 1978 ("Ethics Act"), at 5 U.S.C. App., as amended by section 314(b) of the Legislative Branch Appropriations Act for 1992 (Pub. L. 102-90, 105 Stat. 447, at 469). Interim regulations implementing sections 501-505 of the Ethics Act, 5 U.S.C. App., for the executive branch, including the honorarium prohibition at section 501(b) of the Ethics Act, were issued by the Office of Government Ethics as 5 CFR part 2636 (56 FR 1721-1730, January 17, 1991; 56 FR 21589, May 10, 1991; and 56 FR 51319, October 11, 1991).

Section 501(b) of the Ethics Act, 5 U.S.C. App., provides that:

> An individual may not receive any honorarium while that individual is a Member, officer or employee." As enacted by the Ethics Reform Act of 1989 (Pub. L. 100-194, 103 Stat. 1716, at 1762), section 505(3) of the Ethics Act defined the term "honorarium" to mean a "payment of money or any thing of value for an appearance, speech or article by a Member, officer or employee" and included an exception only for certain travel expenses. Effective January 1, 1992, section 314(b) of Public Law 102-90 amends that definition to mean a "payment of money or any thing of value for an appearance, speech or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government) by a Member, officer or employee * * *.

The report of the Bipartisan Task Force on Ethics that drafted the original 1989 honorarium prohibition expressed an intention that it apply to appearances, speeches or articles individually or in a series:

> The task force intends that the prohibition on honoraria for speeches, articles, and appearances extends to payment or compensation for such activity in any form. The ban on honoraria could not be circumvented, for example, by arranging for a continuing series of talks, lectures, speeches, or appearances and re-characterizing the income as a "stipend" or "salary." 135 Cong. Rec. H9257 (daily ed. November 21, 1989).

The effect of the present amendment of the law is to create an exception to the honorarium prohibition for compensation for certain appearances, speeches or articles if they are made, delivered or published as a series. This interim rule adds a new paragraph (a)(13) to 5 CFR 2636.203 and modifies a few examples following that provision to reflect the new statutory exception. In the absence of a statutory definition of the word "series," the interim regulation adopts the primary meaning given in Webster's Third New International Dictionary: "a group of usually three or more things or events standing or succeeding in order and having a like relationship to each other."

The phrase "directly related to the individual's official duties" is not further defined in this interim regulation. A proposed definition of the similar phrase "relates to the employee's official duties" is included for codification at § 2635.807(a)(1) of this chapter in the proposed Standards of Ethical Conduct for Employees of the Executive Branch which was issued for comment by the Office of Government Ethics on July 23, 1991 (56 FR at 33812). As there proposed, relatedness would encompass subject matter that focuses specifically on responsibilities, programs, or operations of the employee's agency as well as subject matter that focuses specifically on the employee's individual duties. Pending issuance of a definition that can be cross-referenced in this 5 CFR part 2636, employees should rely on the guidance in Office of Government Ethics informal advisory opinion 85×18 issued October 28, 1985 in determining whether subject matter that does not deal with the employee's particular duties is nevertheless directly related to his or her official duties. That opinion is published at pages 589-600 of the Informal Advisory Letters and Memoranda and Formal Opinions of the United States Office of Government Ethics (1979-1988), and provides in pertinent part (at p. 596):

> When the seminar, conference, or briefing in which the employee wishes to participate does not involve non-public information, but the subject matter thereof relates to the programs or operations of the employee's agency, the permissibility of the activity depends upon how closely the subject matter relates to the agency's responsibilities. Generally, an employee * * * may lecture on a subject within the employee's inherent expertise based on his or her educational background or experience, even though the subject matter is related to the activities of the employing agency. The employee will be prohibited from receiving compensation only when the activity focuses specifically on the agency's responsibilities, policies, and programs * * *.

While that opinion deals specifically with speaking engagements and includes a different test for certain

Presidential appointees, it is in part the basis for the proposed definition in § 2635.807(a)(1) of this chapter and can be applied equally to the honorarium prohibition as to appearances, speeches and articles.

B. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), as the Director of the Office of Government Ethics I have found that good cause exists for waiving the general requirements of notice of proposed rulemaking and 30-day delayed effective date and for making this interim regulation effective on January 1, 1992. These requirements are being waived because the amended honorarium definition at section 505(3) of the Ethics Act, 5 U.S.C. App., is effective January 1, 1992. Because a violation of the honorarium prohibition of section 501(b) of the Ethics Act, 5 U.S.C. App., can result under section 504(a) of the Ethics Act, 5 U.S.C. App., in a civil penalty of up to $10,000 or the amount of compensation received for the prohibited conduct, whichever is greater, there is a need to amend the interim regulation for the executive branch effective January 1, 1992. Any comments received in response to this interim rule will be considered in formulating a final rule. Comments are due by March 9, 1992.

E.O. 12291, Federal Regulation

As Director of the Office of Government Ethics, I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only Federal employees.

Paperwork Reduction Act

As Director of the Office of Government Ethics, I have determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget thereunder.

List of Subjects in 5 CFR Part 2636

Conflict of interests, Government employees, Reporting and recordkeeping requirements.

Approved: December 17, 1991.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending part 2636 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations as follows:

PART 2636—[AMENDED]

1. The authority citation for 5 CFR part 2636 is revised to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978, sections 102(a)(1)(A), 402, 404 and 501–505); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. Section 2636.203 is amended as set forth below:

A. Adding a new paragraph (a)(13) before the examples which follow;

B. Revising examples 3 and 6; and

C. Adding a new example 7.

The revisions and additions read as follows:

§ 2636.203 Definitions.

* * * * *

(a) * * *

(13) Payment for a series of three or more different but related appearances, speeches or articles, provided that the subject matter is not directly related to the employee's official duties and that the payment is not made because of the employee's status with the Government.

* * * * *

Example 3. An economist employed by the Department of the Treasury has entered into an agreement with a speakers bureau to give 10 unrelated after-dinner speeches to be arranged by the speakers bureau with various organizations over a six-month period. The employee may not receive the contract fee of $10,000. The 10 speeches do not constitute a series of speeches, but 10 individual speeches.

* * * * *

Example 6. An employee of the National Aeronautics and Space Administration may accept compensation for a series of three articles on white collar crime she has agreed to write for a local newspaper. While she could not accept compensation for just two articles on white collar crime, she could accept a national journalism award for two articles she had written on an uncompensated basis.

Example 7. A physicist employed by the Department of Energy to conduct research on laser technology may not accept a contract fee for a series of three lectures on lasers where one of the lectures is to focus on the research he is conducting for DOE.

* * * * *

[FR Doc. 92–398 Filed 1–7–92; 8:45 am]

BILLING CODE 6345-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 25

[Docket No. NM–62; Special Conditions No. 25–ANM–54]

Special Conditions: Cessna Aircraft Company, Model 650, Citation VII, Airplane; Lightning and High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Cessna Aircraft Co., Model 650, Citation VII, airplane. This airplane is equipped with high technology digital avionics systems which perform critical or essential functions. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of lightning and high-intensity radiated fields (HIRF). These special conditions provide the additional safety standards which the Administrator considers necessary to ensure that the critical and essential functions that these systems perform are maintained when the airplane is exposed to lightning and HIRF.

DATES: The effective date of these special conditions is December 31, 1991. Comments must be received on or before February 24, 1992.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM–7), Docket No. NM–62, 1601 Lind Avenue SW, Renton, Washington, 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–62. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mark Quam, FAA Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton,

WA 98055-4056; telephone (206) 227-2145.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-62." The postcard will be date/time stamped, and returned to the commentor.

Background

On December 10, 1990, Cessna Aircraft Company applied for an amendment to their Type Certificate No. A9NM to include their Model 650, Citation VII, series airplanes. The Cessna 650 is a pressurized, two-crew, seven-passenger, low wing transport with two aft mounted turbofan engines. The modified Model 650, the Citation VII will be a derivative of the Model 650, Citation III. The modifications will include increased taxi, gross and zero fuel weights, new dual V_{mo} limits, installation of increased thrust Garrett TFE 731-4R-2S turbofan engines, installation of new electrically heated glass windshield and side windows, installation of a externally serviceable toilet and installation of increased capacity alternators. The airplane incorporates a number of novel or unusual design features, such as Digital Electronic Engine Controls (DEEC), which may be vulnerable to lightning and external high intensity radiated fields (HIRF).

Type Certification Basis

Under the provisions of § 21.101 of the FAR, Cessna Aircraft Company, must show that the modified Model 650, the Citation VII, meets the applicable provisions of the regulations incorporated by reference in TC No. A9NM, or the applicable regulations in effect on the date of application for the Model 650 unless: (1) Otherwise specified by the Administrator; or (2) compliance with later effective amendments is elected or required under § 21.17; and (3) special conditions are prescribed by the Administrator. The proposed certification basis for the Model 650, Citation VII is shown below:

Part 25 of the Federal Aviation Regulations (FAR) effective February 1, 1965, as amended by Amendments 25-1 through 25-39, 25-43, and 25-44; plus §§ 25.901(c) and 25.1199 as amended through Amendment 25-40; §§ 25.1309 and 25.1351(d) as amended through Amendment 25-41; §§ 25.177, 25.255, and 25.703 as amended through Amendment 25-42, and §§ 25.1305 and 25.1529 as amended through Amendment 25-54; § 25.904, as amended through Amendment 25-62; Special Conditions No. 25-102-NM-7; and Exemption No. 3436 from compliance with § 25.1305(d)(3) for type certification without an engine rotor system unbalanced indicator. Part 36 of the FAR effective December 1, 1969, as amended by Amendment 36-1 through the amendment effective on the date of type certification. Part 34 of the FAR effective September 10, 1990, as amended through the amendment effective on the date of type certification.

Section 25.801 on ditching is not complied with.

Section 25.901(d) as amended by Amendment 25-40 for airplanes equipped with an inflight operable APU.

For the Sperry EDZ-605 and SPZ-8000 electronic flight instrument systems only, compliance has been shown with the following regulations: §§ 25.1321 (a), (b), (d), and (e), 25.1331, 25.1333, and 25.1335 as amended through Amendment 25-41.

Equivalent Safety Items:

(1) Ditching Emergency Exits, § 25.807(d)
(2) Cockpit side Window, § 25.773(b)(2)
(3) Digital Turbine Speed (N_2) Indicator, § 25.1549 (a) and (b)
(4) Aisle Width, § 25.815
(5) Emergency Exit Signs, § 25.812(b)(1)
(6) Passenger Compartment Door, § 25.813(e)

Equivalent safety items for airplanes equipped with an inflight operable APU:

(7) Oil Pressure Indicator, § 25.1305(a)(4)
(8) Oil Temperature Indicator, § 25.1305(a)(6)
(9) Gas Temperature Indicator, § 25.1305(c)(1)
(10) Tachometer, § 25.1305(c)(3)

These special conditions are an additional part of the type certification basis.

If the Administrator finds that the applicable airworthiness regulations (i.e, part 25, as amended) do not contain adequate or appropriate safety standards for the Model 650, Citation VII, because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations. Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2). In addition to the applicable airworthiness regulations and special conditions, the Model 650, Citation VII, must comply with the noise certification requirements of part 36 and the engine emission requirements of part 34.

Discussion

The existing lightning protection airworthiness certification requirements are insufficient to provide an acceptable level of safety with the new technology avionic systems. There are two regulations that specifically pertain to lightning protection; one for the airframe in general (§ 25.581), and the other for fuel system protection (§ 25.954). There are, however, no regulations that deal specifically with protection of electrical and electronic systems from lightning. The loss of a critical function of these systems due to lightning would prevent continued safe flight and landing of the airplane.

Although the loss of an essential function would not prevent continued safe flight and landing, it would significantly impact the safety level of the airplane.

There is also no specific regulation that addresses protection requirements for electrical and electronic systems from high-intensity radiated fields (HIRF). Increased power levels from ground based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, these special conditions require that the new electrical and electronic systems, such as Digital Electronic Engine Controls (DEEC), be designed and installed to preclude component damage and interruption of

function due to both the direct and indirect effects of lightning and HIRF.

Novel or Unusual Design Features

Lightning

To provide a means of compliance with these special conditions, a clarification on the threat definition for lightning is needed. The following "threat definition," based on FAA Advisory Circular 20–136, Protection of Aircraft Electrical/Electronic Systems Against the Indirect Effects of Lightning, dated March 5, 1990, is a basis to use in demonstrating compliance with the lightning protection special condition.

The lightning current waveforms (Components A, D, and H) defined below, along with the voltage waveforms in Advisory Circular (AC) 20–53A, will provide a consistent and reasonable standard which is acceptable for use in evaluating the effects of lightning on the airplane. These waveforms depict threats that are external to the airplane. How these threats affect the airplane and its systems depend upon their installation configuration, materials, shielding, airplane geometry, etc. Therefore, tests (including tests on the completed airplane or an adequate simulation) and/or verified analyses need to be conducted in order to obtain the resultant internal threat to the installed systems. The electronic systems may then be evaluated with this internal threat in order to determine their susceptibility to upset and/or malfunction.

To evaluate the induced effects to these systems, three considerations are required:

1. *First Return Stroke:* (Severe Strike—Component A, or Restrike—Component D). This external threat needs to be evaluated to obtain the resultant internal threat and to verify that the level of the induced currents and voltages is sufficiently below the equipment "hardness" level; then

2. *Multiple Stroke Flash:* (½ Component D). A lightning strike is often composed of a number of successive strokes, referred to as multiple strokes. Although multiple strokes are not necessarily a salient factor in a damage assessment, they can be the primary factor in a system upset analysis. Multiple strokes can induce a sequence of transients over an extended period of time. While a single event upset of input/output signals may not affect system performance, multiple signal upsets over an extended period of time (2 seconds) may affect the systems under consideration. Repetitive pulse testing and/or analysis needs to be carried out in response to the multiple stroke environment to demonstrate that the system response meets the safety objective. This external multiple stroke environment consists of 24 pulses and is described as a single Component A followed by 23 randomly spaced restrikes of ½ magnitude of Component D (peak amplitude of 50,000 amps). The 23 restrikes are distributed over a period of up to 2 seconds according to the following constraints: (1) The minimum time between subsequent strokes is 10 ms, and (2) the maximum time between subsequent strokes is 200 ms. An analysis or test needs to be accomplished in order to obtain the resultant internal threat environment for the system under evaluation; and,

3. *Multiple Burst:* (Component H). In-flight data-gathering projects have shown bursts of multiple, low amplitude, fast rates of rise, short duration pulses accompanying the airplane lightning strike process. While insufficient energy exists in these pulses to cause physical damage, it is possible that transients resulting from this environment may cause upset to some digital processing systems.

The representation of this interference environment is a repetition of short duration, low amplitude, high peak rate of rise, double exponential pulses which represent the multiple bursts of current pulse observed in these flight data gathering projects. This component is intended for an analytical (or test) assessment of functional upset of the system. Again, it is necessary that this component be translated into an internal environmental threat in order to be used. This "Multiple Burst" consists of 24 random sets of 20 strokes each, distributed over a period of 2 seconds. Each set of 20 strokes is made up of 20 repetitive Component H waveforms distributed within a period of one millisecond. The minimum time between individual Component H pulses within a burst is 10μs, the maximum is 50μs. The 24 bursts are distributed over a period of up to 2 seconds according to the following constraints: (1) The minimum time between subsequent strokes is 10 ms, and (2) the maximum time between subsequent strokes is 200 ms. The individual "Multiple Burst" Component H waveform is defined below.

The following current waveforms constitute the "Severe Strike" (Component A), "Restrike" (Component D), "Multiple Stroke" (½ Component D), and the "Multiple Burst" (Component H).

These components are defined by the following double exponential equation:

$$i(t)=I_o(e^{-at}-e^{-bt})$$

where:

t = time in seconds,

i = current in amperes, and

	Severe strike (component A)	Restrike (component D)	Multiple stroke (½ component D)	Multiple burst (component H)
I_o, amp =	218,810	109,405	54,703	10,572
a, sec^{-1} =	11,354	22,708	22,708	187,191
b, sec^{-1} =	647,265	1,294,530	1,294,530	19,105,100

This equation produces the following characteristics:

i_{peak} =	200 KA	100 KA	50 KA	10 KA

and

$(di/dt)_{max}$ (amp/sec)	=	1.4×10^{11} @t=0+sec	1.4×10^{11} @t=0+sec	0.7×10^{11} @t=0+sec	2.0×10^{11} @t=0+sec
(di/dt), (amp/sec)	=	1.0×10^{11} @t=.5μs	1.0×10^{11} @t=.25μs	0.5×10^{11} @t=.25μs	
Action Integral (amp² sec)	=	2.0×10^{6}	0.25×10^{6}	$.0625\times10^{6}$	

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems, such as EFIS, ADC and AHRS, to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1 or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz-500 KHz	80	80
500 KHz-2 MHz	80	80
2 MHz-30 MHZ	200	200
30 MHz-100 MHz	33	33
100 MHz-200 MHz	33	33
200 MHz-400 MHz	150	33
400 MHz-1 GHz	8,300	2,000
1 GHz-2 GHz	9,000	1,500
2 Hz-4 GHz	17,000	1,200
4 GHz-6 GHz	14,500	800
6 GHz-8 GHz	4,000	666
8 GHz-12 GHz	9,000	2,000
12 GHz-20 GHz	4,000	509
20 GHz-40 GHz	4,000	1,000

The envelope given in paragraph 2 above is a revision to the envelope used in previously issued special conditions in other certification projects. It is based on new data and SAE AE4R subcommittee recommendations. This revised envelope includes data from Western Europe and the U.S. It will also be adopted by the European Joint Airworthiness Authorities.

Conclusion: This action affects only certain unusual or novel design features on one model of airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subject to the notice and public comment procedures in several prior instances. For this reason and because a delay would significantly affect applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that good cause exists for adopting these special conditions without notice. Therefore, special conditions are being issued substantive changes for this airplane and made effective upon issuance.

List of Subjects in 14 CFR Parts 21 and 25

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 142 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f-10, 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

The Proposed Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Cessna Aircraft Company Model 650, Citation VII, airplane:

1. *Lightning protection.* a. Each new electrical and electronic system which performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to lightning.

b. Each essential function of new or modified electrical or electronic systems or installations must be protected to ensure that the function can be recovered in a timely manner after the airplane has been exposed to lightning.

2. *Protection from unwanted effects of high-intensity radiated fields (HIRF).* Each new electrical and electronic system which performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to externally radiated electromagnetic energy.

3. *The following definitions apply with respect to these special conditions:*

Critical Functions. Functions whose failure would contribute to or cause a failure condition which would prevent the continued safe flight and landing of the airplane.

Essential Functions. Functions whose failure would contribute to or cause a failure condition which would significantly impact the safety of the airplane or the ability of the flight crew to cope with adverse operating conditions.

Issued in Renton, Washington, on December 31, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-344 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-05-AD; Amendment 39-8135; AD 91-11-04 R1]

Airworthiness Directives; Short Brothers, PLC, Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; rescission.

SUMMARY: This amendment rescinds Airworthiness Directive (AD) 91-11-04, which is applicable to certain Short Brothers, PLC, Model SD3-60 series airplanes. That AD requires modification of the wiring for the emergency lighting system and the installation of two new relays to prevent

failure of the emergency lights to illuminate during an emergency. Since the issuance of that AD, the FAA has determined that the required modification does not meet FAA requirements for the emergency lighting system.

EFFECTIVE DATE: January 8, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Hank Jenkins, Standardization Branch, ANM-113; telephone (206) 227-2141. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: On May 7, 1991, the FAA issued AD 91-11-04, Amendment 39-7000 (56 FR 22308, May 15, 1991), applicable to certain Short Brothers, PLC, Model SD3-60 series airplanes, which requires modification of the wiring for the emergency lighting system and the installation of two new relays. That action was prompted by reports which indicated that the emergency lighting system will not illuminate automatically if normal airplane power is interrupted or lost. This condition, if not corrected, could result in failure of the emergency lights to illuminate during an emergency.

Since issuance of that AD, the FAA has determined that the modification required by the AD does not meet part 25 of the Federal Aviation Regulations (FAR) requirements for the emergency lighting system. Results of recent functional tests performed on emergency lighting systems modified in accordance with AD 91-11-04 revealed that the modified system activates when either the right-hand engine or right-hand generator fails. Part 25 of the FAR requires that the emergency lighting system activate only when both the right-hand and left-hand engine and/or generator fails.

Since the modification required by AD 91-11-04 does not meet FAR requirements for the emergency lighting system and will not prevent the addressed unsafe condition, the FAA has determined that it is necessary to rescind that AD in order to prevent operators from performing an unsatisfactory modification.

Short Brothers, PLC, is in the process of making design changes to the emergency lighting system which will meet FAA requirements. The FAA intends to follow this AD action with additional rulemaking action to address the design change or improved modification, once it is developed, approved, and available to operators.

The FAA has determined that safety will be assured in the interim by the applicable flight operating procedures that are currently required.

Since this action rescinds a requirement to install an unsatisfactory modification, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the rescission may be made effective upon publication in the **Federal Register**.

The Rescission

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-7000.

91-11-04 R1. Short Brothers, PLC: Amendment 39-8135. Docket 91-NM-05-AD. Rescinds AD 91-11-04, Amendment 39-7000.

Applicability: Model SD3-60 series airplanes, Serial Numbers SH3601 through SH3764, certificated in any category

This rescission is effective January 8, 1992.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-335 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-ASW-54; Amendment 39-8128; AD 92-01-05]

Airworthiness Directives; Bell Helicopter, Textron, Inc. (BHTI), Model 206A, 206B, 206L, 206L-1 and 206L-3 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 89-22-01 R1, issued November 21, 1989, which was previously made effective as to all known U.S. owners and operators of certain BHTI, Model 206A, 206B, 206L, 206L-1, and 206L-3 helicopters by individual letters. This AD requires a one-time visual inspection of the main rotor (M/R) blades to determine if the M/R blades installed are those that have been previously scrapped. This amendment is prompted by reports of scrapped M/R blades being resold with falsified component history cards and being installed in operational helicopters. This AD is necessary to detect and prevent the installation of the main rotor blades which have reached their service life limits.

DATES: Effective February 5, 1992, as to all persons except those persons to whom it was made immediately effective by Priority Letter AD's 89-22-01, issued October 18, 1989, and 89-22-01R1 issued November 21, 1989, which contained this amendment.

ADDRESSES: Applicable AD-related material may be examined at the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, room 158, Bldg. 3B, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Gary B. Roach, Rotorcraft Directorate, Rotorcraft Certification Office, ASW-170, FAA, Southwest Region, Fort Worth, Texas 76193-0170, telephone (817) 624-5179; fax (817) 740-3394.

SUPPLEMENTARY INFORMATION: On October 18, 1989, and November 21, 1989, the FAA issued Priority Letter AD's 89-22-01 and 89-22-01R1, respectively, applicable to Bell Model 206A, 206B, 206L, 206L-1 and 206L-3 helicopters, which require a one-time visual inspection of the M/R blades and replacement, as necessary, of certain blades listed in the AD's. This action was prompted by reports that certain M/R blades which had reached their fatigue life limit were scrapped and subsequently resold with falsified component cards. These scrapped components were later installed on operational helicopters. The actions specified in this AD are intended to identify the falsified main rotor blades by serial number, and if found, require removal and replacement with an airworthy part. This amendment is necessary to detect blades that have reached service life limits but may have been installed and, if undetected, could result in failure of the M/R blades and subsequent loss of control of the helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon where impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual letters issued October 18, 1989, and November 21, 1989, to all known U.S. owners and operators of certain BHTI Model 206A, 206B, 206L,

206L-1, and 206L-3 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

AD 92-01-05. Bell Helicopter Textron, Inc. (BHTI): Amendment 39-8128, Docket Number 89-ASW-54.

Applicability: All Bell Helicopter Textron, Inc. Model 206A, 206B, 206L, 206L-1 and 206L-3 helicopters, certificated in any category, with main rotor blade part numbers (P/N) 206-015-001-001, 206-015-001-103, 206-015-001-105, or 206-010-200-033 installed.

Compliance: Required before further flight, unless already accomplished.

To prevent failure and separation of the main rotor blades, and subsequent loss of the helicopter, accomplish the following:

(a) Visually inspect the Model 206A and 206B main rotor blades and determine if one of the following serial number (S/N) blades is installed: TAC-0089, TAC-0542, TAC-0607, TAC-0614, TAC-0624, TAC-1643, TAC-1749, TAC-1776, TAC-1831, TAC-1911, TAC-1922, TAC-2399, TAC-2768, TAC-5742, TKK-9794, TKK-9883, or TKK-9933. If any one of these main rotor blades is installed, remove and replace with a servicable part prior to further flight.

(b) Visually inspect the Model 206L, 206L-1, and 206L-3 main rotor blades and determine if one of the following S/N blades is installed: T-92, T-245, T-417, TLY-0075, TLY-0095, TLY-0764, TLY-0770, TLY-0973, TLY-1438, TLY-1619, TLY-1653, TLY-1697, TLY-1766, TLY-1801, TLY-1858, TLY-1953, TLY-1984, TLY-2031, TLY-2039, TLY-2064, TLY-2081, TLY-2148, TLY-2335, TLY-2337, TLY-2549, TLY-2603, TLY-2604, TLY-2625, TLY-2633, TLY-2648, TLY-2745, TLY-2786, TLY-2951, or TLY-2954. If any one of these main rotor blades is installed, remove and replace with a serviceable part prior to further flight.

Note: The serial number may be found on the Bell Helicopter data plate located on top of the blade at the root end and is also marked on the root end of the lower grip plate in the 1.5 inch radius.

(c) If the serial number of the main rotor blade matches one listed in paragraph (a) or (b) of this AD, report the registration number and serial number of the affected helicopter and provide a copy of the parts tag with which the part was delivered, if available. Send the report to the Manager, Rotorcraft Certification Office, Southwest Region, Federal Aviation Administration, Fort Worth, Texas 76193-0170, telephone (817) 624-5170, with 10 days of the inspection. (Reporting approved by the Office of Management and Budget under OMB No. 2120-0056.)

(d) An alternative method of compliance which provides an equivalent level of safety, may be used if approved by the Manager, Rotorcraft Certification Office, Southwest Region, Federal Aviation Administration, Fort Worth, Texas 76193-0170, telephone (817) 624-5170.

(e) This amendment (39-8128), AD 92-01-05, becomes effective February 5, 1992, persons except those persons to whom it was made immediately effective by Priority Letter AD's 89-22-01, and 89-22-01R1 issued October 18, 1989, and November 21, 1989, respectively, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on December 17, 1991.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 92-338 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24

[T.D. 92-4]

RIN 1515-AA87

Amendment to the Interim Customs Regulations Regarding the Harbor Maintenance Fee

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

ACTION: Interim regulation; solicitation of comments.

SUMMARY: This document amends the interim Customs Regulations relating to the harbor maintenance fee. The interim regulations, which, among other things, established procedures for collection of a port use fee for transporting cargo on specified United States waterways, were promulgated under the Water Resources Development Act of 1986. Section 6109 of the Technical and Miscellaneous Revenue Act of 1988 amended 26 U.S.C. 4462, pertaining to the harbor maintenance fee, to include an exemption from the harbor maintenance fee for cargo owned or financed by nonprofit organizations or cooperatives and certified by the Customs Service as intended for use in humanitarian or development assistance overseas. This amendment to the interim regulations sets forth the terms and applicability of the exemption.

DATES: Effective Date: January 8, 1992. Comments must be submitted on or before March 9, 1992.

ADDRESSES: Written comments (preferably in triplicate) may be submitted to and inspected at the Regulations and Disclosure Law Branch, U.S. Customs Service Headquarters, room 2119, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Patricia Barbare, User Fee Task Force, (202-566-8648).

SUPPLEMENTARY INFORMATION:

Background

The Water Resources Development Act established a Harbor Maintenance Trust Fund which contributes to the operation and maintenance of ports and harbors in the United States. This fund is supported by a harbor maintenance fee which became effective on April 1, 1987. Interim regulations concerning the harbor maintenance fee (19 CFR 24.24) were issued on March 30, 1987 (52 FR 10198). Prior to January 1, 1991, the fund was supported by a harbor maintenance

fee of 0.04 percent of the value of the commercial cargo loaded or unloaded. Effective January 1, 1991, however, the harbor maintenance fee was increased to 0.125 percent of the value of the commercial cargo loaded or unloaded. Section 11214, Omnibus Budget Reconciliation Act of 1990, Public Law 101–508. A change in the regulations concerning this increase was published in the **Federal Register** on May 9, 1991 (56 FR 21445).

Section 6109(a) of the Technical and Miscellaneous Revenue Act of 1988 (the Revenue Act), Public Law 100–647, amended 26 U.S.C. 4462, pertaining to the harbor maintenance fee, to provide that no tax shall be imposed on any nonprofit organization or cooperative for cargo which is owned or financed by such nonprofit organization or cooperative and which is certified by U.S. Customs as intended for use in humanitarian or development assistance overseas. The exemption was made effective as of the effective date of the fee, April 1, 1987. Accordingly, § 24.24(c) of the Customs Regulations, (19 CFR 24.24(c)), is being amended to reflect the exemption and to provide procedures for claiming cargo as exempt from the application of the harbor maintenance fee because the cargo is owned or financed by nonprofit organizations or cooperatives and is intended for use in humanitarian or development assistance overseas, including contiguous countries.

Pursuant to 26 U.S.C. 4462(h), the donating organization or cooperative is required to be a nonprofit entity. Customs has concluded that nonprofit status will be determined pursuant to the Internal Revenue Service requirements under 26 U.S.C. 501(c)(3), which provide for income taxation exemption.

Humanitarian assistance is considered to be assistance which is required for the survival of the affected population in cases of, or in preparation for, emergencies of all kinds. Such relief assistance includes, but is not limited to: Food items, shelter, clothing, basic home utensil kits and small electric generators. Development assistance is considered to be aid similar to that provided pursuant to chapter 1 of part 1 of the 1961 Foreign Assistance Act, as amended, 22 U.S.C. 2151–1(b). Such development assistance would include, but is not limited to, aid designed to promote: agricultural productivity, reduction of infant mortality, reduction of rates of unemployment and underemployment, and an increase in literacy.

Refund Procedure

The Revenue Act provides that the donated cargo exemption shall be retroactive to April 1, 1987. Prior to the granting of the exemption, the Revenue Act requires Customs to certify that the cargo is intended for use in humanitarian or development assistance overseas. As a consequence, the harbor maintenance fee must be paid on donated cargo and a refund request initiated subsequent to the payment. The donated cargo exemption to the harbor maintenance fee cannot be claimed through the initial filing of a Harbor Maintenance Fee Quarterly Summary Report, Customs Form 349.

A refund of the harbor maintenance fee may be obtained by completing an Amended Quarterly Summary Report, Customs Form 350, and forwarding it to the U.S. Customs Service, Office of Inspection and Control, 1301 Constitution, NW., Washington, DC 20229, along with supporting evidence that the entity donating the cargo is a nonprofit organization or cooperative and that the cargo was intended for humanitarian or development assistance overseas. Description of the cargo on the shipping documents and a brief summary of the intended use of the goods, if such use is not reflected in the documents, are acceptable evidence for certification purposes. Copies of the Harbor Maintenance Fee Quarterly Summary Report, Customs Form 349, should be attached for each quarter for which refund is requested. Upon completion of certification, the documents will be forwarded to the National Finance Center for refund processing.

Each nonprofit organization or cooperative claiming the exemption must maintain documentation pertaining to the exemption for a period of 5 years. The documentation must be made available for inspection by Customs in accordance with the provisions of § 162.1a–i of the Customs Regulations (19 CFR 162.1a–i).

Comments

Consideration will be given to any timely submitted written comments (preferably in triplicate) regarding this amendment. Submitted comments will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, U.S. Customs Service Headquarters, room 2119, 1301 Constitution Avenue, NW., Washington, DC.

Inapplicability of Notice and Delayed Effective Date Provisions

Inasmuch as the statutory provision on which this amendment is based is retroactive, and confers a benefit on the public, this regulation is to be effective retroactively to April 1, 1987, and pursuant to 5 U.S.C. 553(b)(B), notice and public procedure is impracticable and unnecessary. Similarly, pursuant to 5 U.S.C. 553(d) (1), (3) a delayed effective date is not provided. However, prior to the adoption of final regulations, consideration will be given to all timely submitted written comments.

Executive Order 12291 and Regulatory Flexibility Act

Because this amendment does not meet the criteria for a "major rule" within the meaning of Executive Order 12291, Customs has not prepared a regulatory impact analysis. Inasmuch as a notice of proposed rulemaking is not required for these interim regulations, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

Paperwork Reduction Act

The collection of information contained in the interim regulation has been approved by the Office of Management and Budget (OMB) under 1515–0184. The information required by this amendment will not increase the paperwork burden on the majority of those affected by the overall regulation. This amendment will only affect those entities which are eligible to obtain refunds of harbor maintenance fees paid on donated cargo to be used for humanitarian purposes or organizations. The amendment will require requesting organizations to compile and submit to Customs the documentation necessary to demonstrate that the fees should be refunded. This documentation should already be in the organization's possession.

The estimated burden of the requirement in this amendment that the respondents/recordkeepers gather necessary information, prepare Customs Form 350 and attach the required documentation will be approximately 20 minutes. It is anticipated that approximately 100 respondents/recordkeepers will be required to submit this documentation annually.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Management and Budget, Attention: Desk Officer for the

Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Customs Service at the address previously specified.

Drafting Information

The principal author of this document was Michael Smith, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 24

Accounting, Customs duties and inspection, Imports, Taxes.

Amendments to the Regulations

Accordingly, part 24, Customs Regulations (19 CFR part 24), is amended as set forth below:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The authority for part 24, Customs Regulations, continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 58a–58c, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624, 31 U.S.C. 9701, unless otherwise noted.

* * * * *

§ 24.24 also issued under 26 U.S.C. 4461, 4462;

* * * * *

2. Section 24.24 is amended by adding paragraphs (b)(5), (b)(6), (b)(7), and (c)(8) to read as follows:

§ 24.24 Harbor Maintenance Fee.

* * * * *

(b) *Definitions.*

* * * * *

(5) *Humanitarian assistance* is considered to be assistance which is required for the survival of the affected population in cases of, or in preparation for, emergencies of all kinds. Such relief assistance would include, but is not limited to: food items, shelter, clothing, basic home utensil kits, and small electric generators.

(6) *Development assistance* is considered to be assistance similar to that provided for pursuant to chapter 1 of part 1 of the 1961 Foreign Assistance Act, as amended, 22 U.S.C. 2151–1(b). Such development assistance would include, but is not limited to, aid to promote: Agricultural productivity, reduction of infant mortality, reduction of rates of unemployment and underemployment, and an increase in literacy.

(7) *Non-profit* means an organization or cooperative exempt from income taxation pursuant to 26 U.S.C. 501(c)(3).

(c) *Exemptions.* The following are not subject to the fee:

* * * * *

(8) Cargo owned or financed by nonprofit organizations or cooperatives which is certified by the U.S. Customs Service as intended for use in humanitarian or development assistance overseas, including contiguous countries.

(i) The donated cargo is required to be certified as intended for use in humanitarian or development assistance overseas by Customs. Subsequent to the payment of the fee, a request for refund should be made on an Amended Quarterly Summary Report, Customs Form 350, and forwarded to the U.S. Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, DC 20229. To permit certification, supporting evidence that the entity donating the cargo is a nonprofit organization or cooperative should be included along with supporting evidence that the cargo was intended for humanitarian or development assistance overseas. A description of the cargo listed in the shipping documents and a brief summary of the intended use of the goods, if such use is not reflected in the documents, are acceptable evidence for certification purposes. Copies of the Harbor Maintenance Fee Quarterly Summary Report, Customs Form 349, should be attached for each quarter that a refund is requested.

(ii) Each nonprofit organization or cooperative claiming the exemption under this subpart shall maintain documentation pertaining to the exemption for a period of 5 years. The documentation shall be made available for inspection by Customs in accordance with the provisions of §§ 162.1a through 162.1i of this chapter.

* * * * *

Carol Hallett,

Commissioner of Customs.

Approved: December 31, 1991.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92–355 Filed 1–7–92; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 101

[T.D. 92–5]

Customs Regulation Amendment to Relocate the North Carolina Customs District Headquarters at Charlotte

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

ACTION: Final rule.

SUMMARY: This document changes the field organization of the Customs Service by relocating the North Carolina Customs District headquarters from Wilmington, North Carolina, to Charlotte, North Carolina. This relocation is prompted by the dramatic shift in the volume of Customs activity which has occurred within this district in recent years. Customs operational services in Wilmington, which would remain a Customs port of entry, would not be impaired. This relocation is part of Customs continuing program to obtain more efficient use of its personnel, facilities and resources, and to provide better overall service to carriers, importers, and the general public.

EFFECTIVE DATE: February 7, 1992.

FOR FURTHER INFORMATION CONTACT: Wallis W. McLaren, Office of Inspection and Control, (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

As part of its continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers and the public, Customs published a notice in the **Federal Register** on May 15, 1991 (55 FR 22369), proposing to amend § 101.3, Customs Regulations (19 CFR 101.3), to change the Customs Service field organization by relocating the North Carolina Customs District headquarters from Wilmington, North Carolina, to Charlotte, North Carolina.

Discussion of Comments

Fifteen comments were received in response to the **Federal Register** notice. Twelve commenters concurred with the proposal as presented. Two commenters supported the proposal, provided that adequate staff would still be assigned to Wilmington, and that the North Carolina District office would be independent of the Charleston, South Carolina, District office. One commenter disagreed with the proposal because of its belief that the relocation would result in continued loss of business at Wilmington.

Over the past six years, Charlotte has experienced very significant commercial growth which, in turn, has stimulated large increases in Customs activities there. Specifically, for example, since 1985, the number of Customs entries in Charlotte has increased from over 23,000 to over 40,000. During the same period in Wilmington, the number of Customs entries decreased from over 13,000 to below 11,000. Duty collections in 1989 in Charlotte amounted to over $70 million, while duty collections in Wilmington

amounted to $51 million. All Customs projections in various activity categories (including duty collections) strongly point to a continuation of increased Customs volume in Charlotte.

Given this workload growth in Charlotte, Customs believes that relocation of the North Carolina Customs District headquarters at Charlotte, North Carolina, will result in more economical and efficient use of its personnel and resources in carrying out the Customs mission.

The relocation, however, will affect only district management and support personnel in the North Carolina Customs District, who will simply be reassigned from Wilmington, North Carolina, to Charlotte, North Carolina. Wilmington will, of course, remain a Customs port of entry, with existing levels and hours of commercial operations, and the assignment of adequate staff, sufficient to continue meeting the needs of the Wilmington trade community. Accordingly, Customs operational services in Wilmington will not be impaired under the relocation.

Therefore, after further review of the matter, Customs has determined that it is in the public interest to relocate the headquarters of the North Carolina Customs District at Charlotte, North Carolina.

Authority

This change is made under the authority vested in the President by Section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by E.O. 10289, September 17, 1951 (3 CFR 1949–1953 Comp. Ch. II), and pursuant to the authority provided by Treasury Department Order No. 101–5, dated February 17, 1987 (52 FR 6282).

Executive Order 12291 and Regulation Flexibility Act

Because this document is related to agency organization and management, it is not subject to Executive Order 12291 or the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

Drafting Information

The principal author of this document was Russell Berger, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Amendments to the Regulations

Part 101, Customs Regulations (19 CFR part 101) is amended as set forth below.

PART 101—GENERAL PROVISIONS

1. The authority citation for part 101, Customs Regulations (19 CFR part 101), continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1623, 1624, unless otherwise noted.

§ 101.3 [Amended]

2. The list of Customs regions, districts and ports of entry in § 101.3(b) is amended by removing "Wilmington, N.C.", directly below "Norfolk, Va." under the column titled "Name and headquarters", and inserting in its place, "Charlotte, N.C.", and by repositioning "Charlotte (T.D. 56079)", at the head of the column titled "Ports of entry", in the Charlotte, North Carolina, District, and, in appropriate alphabetical order thereunder, "Wilmington, including townships of Northwest, Wilmington, and Cape Fear (E.O. 7761, Dec. 3, 1937, 2 FR 2679, and territory described in E.O. 10042, Mar. 10, 1949, 14 FR 1155)".

Carol Hallett,

Commissioner of Customs.

Approved: November 22, 1991.

John P. Simpson,

Acting Assistant Secretary of the Treasury (Enforcement).

[FR Doc. 92–354 Filed 1–7–92; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. N-91-3342; FR-3187-N-01]

Title I Property Improvement and Manufactured Home Loans; Equity Requirement for Certain Property Improvement Loans

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

ACTION: Rule.

SUMMARY: On October 18, 1991, the Department published a final rule in the **Federal Register** (56 FR 52414), implementing major changes to reform the Title I property improvement and manufactured home loan programs. The final rule added a new § 201.20(a)(3) to 24 CFR part 201 to require that, for any property improvement loan (or combination of such loans on the same property) with a total principal balance in excess of $15,000, the borrower must have equity in the property being improved at least equal to the loan amount. However, this requirement is not applicable to any loan originated by or on behalf of a governmental institution to provide assistance to a low- or moderate-income family. This Notice provides lenders with procedures to follow in determining the market value of the property being improved and in evaluating whether the borrower has sufficient equity in the property to qualify for a loan.

EFFECTIVE DATE: November 18, 1991.

FOR FURTHER INFORMATION CONTACT: Robert J. Coyle, Director, Title I Insurance Division, room 9158, 451 Seventh Street, SW., Washington, DC 20410. Telephone number (202) 708–2880. Hearing- or speech-impaired individuals may call HUD's TDD number which is (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

On October 18, 1991, the Department published a final rule implementing major changes to reform the title I property improvement and manufactured home loan programs. One of the goals of program reform is to require more secure collateral for property improvement loans. In line with this goal, the Department has, for the first time, established an equity requirement for certain property improvement loans.

The final rule added a new § 201.20(a)(3) to 24 CFR part 201 to require that, for any property improvement loan (or combination of such loans on the same property) with a total principal balance in excess of $15,000, the borrower must have equity in the property being improved at least equal to the loan amount. However, this equity requirement is not applicable to any loan originated by or on behalf of a governmental institution to provide assistance to a low- or moderate-income family.

This Notice provides lenders with procedures to follow in determining the market value of the property to be improved and in evaluating whether the borrower has sufficient equity in the property to qualify for a loan. These procedures are applicable to any qualifying property improvement loan (or combination of such loans) for which a credit application is approved on or after November 18, 1991. On loans originated by a loan correspondent,

compliance with these procedures is the responsibility of the loan correspondent.

Definitions

In determining whether a loan is exempted from the equity requirement by virtue of the fact that it will be originated by or on behalf of a governmental institution to provide assistance to a low- or moderate-income family, the following definitions are applicable:

"Governmental institution" shall be a Federal, State or municipal agency, a Federal Reserve Bank, a Federal Home Loan Bank, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

"Low-income family" is one whose annual income does not exceed 80 percent of the median income for the area, with adjustments for smaller and larger families. This is the same standard used by the Department for virtually all of its housing assistance programs (see 24 CFR 813.102).

"Moderate-income family" is one whose annual income is between 80 and 115 percent of the median income for the area, with adjustments for smaller and larger families. This is the standard used by many State and local public agencies that utilize the title I program in connection with their housing assistance and neighborhood revitalization efforts.

Determining the Borrower's Equity

To determine the amount of the borrower's equity in the property being improved, the lender shall ascertain the market value of the property without taking into account any value that would be added by the proposed improvements, and then subtract the outstanding principal balances of all other loans that are secured by the property.

The lender may use a real property appraisal received from another source to document the market value of the property, if that appraisal was completed within one year prior to the date of loan approval and meets the appraisal requirements specified in this Notice. In those localities where real estate tax assessments are updated on an annual basis, the lender may accept the current tax assessment as documentation that the equity requirement has been met.

Appraisal Requirements

All real property appraisals shall be carried out in accordance with the current edition of the Uniform Standards of Professional Appraisal Practice, as adopted by the Appraisal Standards Board of The Appraisal Foundation. The real property appraisal report shall be in writing, and the lender shall retain a copy of the completed appraisal report, including any worksheets or computations prepared by the appraiser, in the loan file.

Qualifications of the Appraiser

Lenders may use either staff appraisers or independent fee appraisers; however, only fully qualified appraisers shall be selected to perform these appraisals. If the State where the property is located as adopted appraiser licensing or certification requirements, the appraiser must have a valid license or certification in that State. Evidence that the appraiser has been licensed or certified by the State shall be retained by the lender.

For those States that do not yet require a license or certification to perform appraisals, the appraiser must meet the minimum education and experience criteria for a Licensed Real Property Appraiser as adopted by the Appraiser Qualifications Board of The Appraisal Foundation. These minimum criteria include 75 classroom hours of courses in subjects related to real estate appraisal which include coverage of the Uniform Standards of Professional Appraisal Practice, and the equivalent of two years of appraisal experience. A resume or other evidence that the appraiser meets these minimum criteria shall be retained by the lender.

A detailed description of the appraiser qualifications criteria adopted by the Appraiser Qualifications Board may be obtained from: The Appraisal Foundation, 1029 Vermont Avenue, NW., suite 900, Washington, DC 20005, Telephone 202-347-7722.

Appraisal Fees

The title I regulations at 24 CFR 201.25(b)(1) have been revised to permit an appraisal fee to be financed with the proceeds of a property improvement loan, if such fee is incurred by the lender in connection with a loan in excess of $15,000. The lender may collect the appraisal fee from the borrower at the time of loan application; if the loan is made, the appraisal fee may then be included in the loan proceeds disbursed to the borrower, as long as the total amount disbursed does not exceed the maximum loan amount specified in 24 CFR 201.10(a)(1).

In the case of a dealer loan, the dealer may pay the appraisal fee from its own resources in the form of discount points paid to the lender, as long as the dealer does not accept any reimbursement for such payment from the borrower or any other party to the loan transaction. Since the payment of the appraisal fee by a dealer is for the benefit of the borrower, this procedure is permitted under 24 CFR 201.13.

Authority: Sec. 2, National Housing Act (12 U.S.C. 1703); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: December 30, 1991.

Arthur J. Hill,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 92-297 Filed 1-7-92; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 510

Implementation of the Minimum Wage Provisions of the 1989 Amendments to the Fair Labor Standards Act in Puerto Rico

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Publication of regulatory impact analysis; request for comment.

SUMMARY: This document provides the Department's regulatory impact analysis for interim final regulations implementing the minimum wage provisions of the 1989 Amendments to the Fair Labor Standards Act (FLSA) in Puerto Rico.

DATES: Comments are due on or before February 7, 1992.

ADDRESSES: Submit written comments to Samuel D. Walker, Acting Administrator, Wage and Hour Division, ESA, U.S. Department of Labor, room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card.

FOR FURTHER INFORMATION CONTACT: J. Dean Speer, Director, Division of Policy and Analysis, Wage and Hour Division, U.S. Department of Labor, room S-3506, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8412. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On March 30, 1990, interim final regulations were published in the **Federal Register** (55 FR 12114) implementing the minimum wage provisions of the 1989 Amendments to the Fair Labor Standards Act (FLSA) in the Commonwealth of Puerto Rico. Amendments to this interim final rule concerning the phase-in of the minimum wage in agricultural, and industries with

fewer than three reporting employers were published in the **Federal Register** on September 27, 1990 (55 FR 39574), October 1, 1990 (55 FR 39958), and December 27, 1990 (55 FR 53246). The interim final rule of March 30, 1990, stated at 55 FR 12117 that it was not feasible to follow the procedures of Executive Order 12291 due to deadlines imposed by statutory minimum wage increases and that the Department's preliminary Regulatory Impact Analysis would be published at a later date. A review of information on the cost impact of the above interim final rules has been completed and this document provides the Department's preliminary regulatory impact analysis under Executive Order 12291.

Background

On November 17, 1989, the Fair Labor Standards Amendments of 1989 (Pub. L. 101-157) were enacted. These Amendments provide, among other provisions, that the increases in the statutory minimum wage required under section 6(a)(1) of FLSA (to $3.80 an hour effective April 1, 1990, and to $4.25 an hour effective April 1, 1991) would be phased in over extended periods of time in the Commonwealth of Puerto Rico. Except in the case of employees of the United States, and of hotels, motels, restaurants, and certain other food service establishments or activities, employers in industries in which the average hourly wage is less than $4.65, including the Commonwealth of Puerto Rico, the municipalities, and other governmental entities, are eligible for an extended phase-in period.

The Amendments establish four different categories or tiers based on the average hourly earnings of employees in the subject industry or, in the case of Tier Four, for certain employees of the Commonwealth and the municipalities. Tier One calls for minimum wage increases identical to those required on the mainland. Tiers Two, Three, and Four provide for extended phase-in periods—five, six, and seven equal increments, respectively, until the minimum wage of $4.25 is reached.

To qualify for one of the extended phase-in periods under Tiers Two, Three, or Four, Conference Report 101-47 [1] states that the Commonwealth would "be required to furnish official survey data substantiating that any industry's average hourly wage is below either the $4.65 or the $4.00 threshold levels." The Conference Report goes on to acknowledge that "the only such data available are provided in Puerto Rico's annual Census of Manufacturing [Industries] * * *." The Conference Report also states that "the government intends to collect additional data where appropriate" and that the "data should be at a level of specificity comparable to the four digit Standard Industrial Classification (SIC) code level, consistent with the average hourly earnings data published by the Department of Labor." SIC Manual code references are to the Standard Industrial Classification (SIC) Manual, Executive Office of the President, Office of Management and Budget.

The above interim rule and amendments designated applicable tiers for employers in Puerto Rico by Standard Industrial Classification (SIC) codes based on statutory specifications, data provided in Puerto Rico's annual Census of Manufacturing, and average hourly earnings data collected by the Commonwealth government.

Summary of Preliminary Regulatory Impact Analysis

I. Introduction

The 1989 Amendments to the Fair Labor Standards Act (FLSA) provided for a two step phase-in increase in the minimum wage for all covered activities on the mainland: To $3.80 an hour effective April 1, 1990, and to $4.25 an hour one year later. With respect to the Commonwealth of Puerto Rico, the Congress in enacting the FLSA Amendments of 1989 established a series of four levels or tiers of minimum wage increases that become effective over an extended period of four, five, and six years. This extended phase-in schedule was provided for in recognition of current economic conditions in Puerto Rico, necessitating some relief from the two step mainland minimum wage increase, especially for many smaller and labor intensive industries and commonwealth and municipal government entities.

The following analysis estimates, in two different ways, what the total wage bill would be under a 6-year phase-in of the minimum wage. The analysis concludes that the added wage bill would be $1.0 to $1.1 billion, and that it is reasonable to assume that the order of magnitude of the wage bill would be similar even if all the minimum wage increases were required to occur in the first two years after enactment of the Act, as on the mainland. The analysis then discusses the likely short-term and longer-term economic effects of such a wage bill, e.g., on employment. The analysis concludes that both shorter and longer term adverse effects would likely be greater if the minimum wage changes had been compressed into two years, compared to the 6-year phase-in that the act mandates.

Absent the special extended phase-in provision applicable only to Puerto Rico, all covered business and government activities would have had to adjust to the new minimum wage rates on the same two year schedule applicable to covered activities on the mainland. The analysis concludes that the economic impact of this adjustment would have been felt much sooner, and caused a greater shock with a greater potential for causing disruptions to the Puerto Rico economy (especially in the smaller and more labor intensive industries and with Commonwealth Corporations and municipal governments) than those associated with the extended six year phase-in of new minimum wage rates.

II. Estimating Cumulative Wage Bill Effects of a 6-year Phase-in

Two alternate assumptions were used to estimate the cumulative wage bill effects of 1989-1996. The first assumed no employment growth. The second assumed employment growth based on historical experience.

No-growth

The effects of the tier phase-in of new minimum wage rates were measured by determining the aggregate increases in the average hourly wage rates in the various sectors of the Puerto Rico economy, without consideration of employment growth. In order to do this the increase in average hourly earnings and in average monthly earnings were determined for each sector. The effects as of 1996, the last year of the phase-in, were measured. By that time, all sectors will be required to pay a minimum hourly wage rate of $4.25.

The same data used to determine the tier structure for the various sectors of the Puerto Rico economy were used to perform this analysis. These data were provided by the Commonwealth government and are included in Appendix Tables A1-A5. The data lists by industry, municipality, government agency, or public organization, the total number of employees, number of non-supervisory/production employees, average hourly wage rate, and number of hours worked per month. Monthly hours paid were assumed to be 162.5 hours per non-supervisory/production employee, based on information supplied by the Puerto Rico Bureau of Labor Statistics. The monthly wage bill for each industry, municipality,

[1] Conference Report 101-47 (101st Cong., 1st Sess., May 8, 1989) on a vetoed bill (H.R. 2) which is identical to the enacted provisions with respect to the Commonwealth, has been declared authoritative for the enrolled bill by a floor statement of Senator Kennedy (Cong. Rec., S. 14708, Nov. 8, 1989).

government agency, or public organization for 1989, prior to any change in the FLSA minimum, is presented in the tables in the columns headed "1989 Wage Bill".

By 1996, all industries are required to be paying a minimum hourly wage rate of $4.25. In fact, most employees will be earning at least $4.25 by 1995 since the last year of the phase-in applies only to a subset of non-supervisory employees of municipal governments and public organizations. If it is assumed that six years (from April 1, 1990 to April 1, 1996) allows time for the effects of a changing wage distribution [2] to work themselves through the Puerto Rico economy, then an estimate of the total wage bill in 1996 at the end of all phase-in periods can be made.

[2] These include disemployment effects, changes in the factor mix, productivity changes, and the effects of higher wages on aggregate demand and total product.

Estimation of the 1996 wage bill relies on the assumptions that by 1996, aggregate wage bill inflation due to the increasing minimum wage rate is such that the relationship between the average hourly wage rate and the statutory minimum for each industry, municipality, state agency, and public organization will be the same as it was in 1989, prior to the beginning of the phase-in periods; that by 1996 there has been no net decrease in the employment level due to disemployment effects of interim minimum wage rate increases; and that there is full compliance with the law.

Appendix Tables A1–A5 each include columns that show the differential that exists between the average hourly wage rate and the 1989 FLSA minimum and the level of the average hourly wage rate in 1996 if this differential were to remain constant. Continuing to use the convention that each non-supervisory/production employee works 162.5 hours per month results in the estimates for monthly wage bills by industry and sector for 1996. The summary table below illustrates the 1989 and 1996 monthly wage bills by industry and sector.

	1989	1996	Difference
Manufacturing	$118,305,964	$150,089,656	$31,783,692
Nonmanufacturing	114,662,928	145,467,894	30,804,966
Commonwealth Gvt	36,890,914	46,801,906	9,910,992
Municipalities	23,842,561	30,248,025	6,405,464
Public Org	23,099,749	27,777,160	4,677,411
Agriculture	2,306,514	2,925,666	619,152

Derivation of the wage bill differential for the 1989–1996 period is completed by totalling the difference for each sector and multiplying by twelve. Thus, the increase in the aggregate wage bill for the Puerto Rico economy between 1989 and 1996 due to the phase-in of the new minimum wage rate as required by the 1989 FLSA Amendments is approximately $1,010,420,124.

Growth

Alternatively, we can assume that the Puerto Rico economy will experience employment growth between 1989 and 1996 similar to its historical growth experience. Aggregate employment level data [3] were used to derive average annual employment growth rates between 1980 and 1987 of −0.31% in the manufacturing sector; 3.13% in the nonmanufacturing sector; 0.54% in municipal governments; 1.4% in the Commonwealth government; and 1.4% in public organizations. Growth in agriculture employment is assumed to be zero. Appendix Tables A6–A10 illustrate the new employment levels and associated wage bill in 1996. The new wage bills are in the columns headed "1996 Wage Bill (Scenario 2)". The summary table below illustrates the 1989 and 1996 monthly wage bills by industry and sector that result after assuming employment level growth rates as listed above.

[3] From Employment, Hours, and Earnings, States and Areas, 1972–87. Volume V, U.S. Department of Labor, Bureau of Labor Statistics, March 1989.

	1989	1996	Difference
Manufacturing	$118,305,964	$149,624,378	$31,318,414
Nonmanufacturing	114,662,928	150,021,039	35,358,111
Commonwealth Gvt	36,890,914	47,457,133	10,566,219
Municipalities	23,842,561	30,411,364	6,568,803
Public Org	23,099,749	28,166,040	5,066,291
Agriculture	2,306,514	2,925,666	619,152

Derivation of the wage bill differential for the 1989–1996 period is completed by totalling the difference for each sector and multiplying by twelve. Thus, the increase in the aggregate wage bill for the Puerto Rico economy between 1989 and 1996 due to the phase-in of the new minimum wage rate as required by the 1989 FLSA Amendments and assuming aggregate employment level growth rates similar to previous experience is approximately $1,073,963,880.

Summary

Thus, the two scenarios produce a range within which the increased wage bill may fall. Based on our estimates, by 1996, the increase in the wage bill across all industries and sectors in Puerto Rico will be between $1,010,420,124 and $1,073,963,880, that is, approximately $1 billion.

III. Estimating Cumulative Wage Bill Effects of a Two Year Phase-in

Consideration was given to calculating the wage bill cost of a 2-year phase-in of the 1989 amendments directly, rather than estimating only the 6-year phase-in cost and then using it as a surrogate for the 2-year cost. A

decision not to do so was made for several reasons:

A. Certain data are not available. Data on Tier 4 employers does not exist, and data on non-manufacturing and agricultural sectors are only samples.

B. The $1.0 to $1.1 billion 6-year costs is also so high that it is clear that, even if the 2-year calculation produced a lower figure, economic dislocation would be substantial.

C. Significant differences between the 2-year and 6-year phase-in costs would, in fact, be unlikely. A sample of employers' wage bills compressed into 2 years was found to be of the same order of magnitude as that for 6 years.

D. Finally, given methodological limitations discussed earlier, this report does not give specific levels of disemployment, or of resultant increases in wages and prices, that would result from the added wage bill cost.

In short, it would be necessary to complete a detailed survey over an extended period of time in order to fully assess the impact on Puerto Rico of the extended phase-in of minimum wage increases vis-a-vis the effects of applying the mainland two year phase-in. Despite the limitations described above, certain analysis can be done and conclusions drawn based on information currently available.

IV. Effects of a 2-year Vs. 6-year Phase-in of Wage Bill

For example, a review of the following tables indicates that as a result of the extended phase-in schedule provided for covered businesses in tier two, three and four, these employers have had a relief or a dollar savings of 25–30 cents an hour for each minimum wage worker in 1991, with further progressively smaller savings through 1995. Individually, for example, a small firm covered in tier two has an opportunity to save 25 cents an hour in 1990, 55 cents an hour in 1991, 35 cents an hour in 1992 and 20 cents an hour in 1993 for each minimum wage worker employed.

MINIMUM WAGE RATES EFFECTIVE APRIL 1ST OF—

Tier	1990	1991	1992	1993	1994	1995	1996
1	$3.80	$4.25					
2	3.55	3.70	$3.90	$4.05	$4.25		
3	3.50	3.65	3.80	3.95	4.10	$4.25	
4	3.50	3.60	3.75	3.85	4.00	4.10	$4.25

Tier	Amount saved by covered employer in Puerto Rico						
1							
2	.25	.55	.35	.20			
3	.30	.60	.45	.30	.15		
4	.30	.65	.50	.40	.25	.15	

It is important to realize that while the impact of these potential savings might be small compared to the Puerto Rico economy as a whole, the impact on certain industries can be quite large since the relief extended is targeted at generally smaller businesses that historically have small numbers of workers and have a larger proportion of workers paid at or near the required minimum wage.

Further, each time the statutory minimum wage rate is increased, there will be interim effects caused by each annual incremental minimum wage rate increase across all sectors. The first of these interim effects can be estimated by using the current wage distribution to determine the approximate number of employees that earn at or below the minimum wage at the beginning of the first phase-in period. Other annual interim effects will include disemployment effects among the lowest paid, least skilled workers. This occurs whenever the minimum wage is increased.

Using industry wage and employment data from the Current Population Survey (CPS) for total employment in the United States economy, and wage and employment data obtained from a special survey conducted by the Commonwealth government for the agriculture sector, wage distribution data presented in the table below were derived.

V. Wage Distribution

	$0.00–3.35	$3.36–3.79	$3.80–4.24	$4.25+
All Industries	3.7%	3.02%	4.72%	88.57%
Nonmanufacturing	4.53	3.62	5.52	87.70
Manufacturing	1.30	1.29	2.43	94.98
Agriculture	14.07	74.33	11.61	

For lack of better total employment and wage data, it is assumed that the all industry wage distribution applies for the municipal government, public organization, and Commonwealth government sectors. This assumption is likely to lead to an understatement of the number of employees in these sectors earning low wage rates. Nevertheless, application of the wage distribution data to the total employment data in Appendix Tables A1–A5 results in an estimate of 25,212 employees in Puerto Rico earning less than $3.80 per hour as of March 31, 1990. This means that 25,212 employees were directly affected by the increase in the minimum wage rate to $3.80 mandated as of April 1, 1990. Further application of wage distribution data to the total employment data yields an estimate of 16,123 employees that earned between $3.80 and $4.25 per hour as of March 31, 1990. This group, combined with those earning less than $3.80, will be directly affected by the second year increase in the minimum wage rate to $4.25. Thus, the first year wage rate increase will directly affect 25,212 employees and the second year increase will directly affect 41,335 or less employees.

In addition to these direct effects, each time the minimum wage is increased, those already being paid just above what the new minimum will be will probably experience an increase in their wage rates as well. This increase is considered an indirect effect. Thus, the initial increase in the minimum wage rate results in a ratcheting upwards of other wage rates. Those rates closest to the new minimum wage rate are affected first and usually to a greater

extent than wage rates that are significantly higher than the minimum.

Unfortunately, there is no way to safely estimate the magnitudes of these direct and indirect effects. First and second year increments in the aggregate wage bill can not be estimated by using what is known about the number of employees directly affected, because there is no way to know with enough certainty what their average hourly wage rate is. Only the range within which their average hourly wage rate falls is known. Nor can the indirect effect be estimated, because it is not known with enough certainty how many employees earning just above the new minimum wage rate will actually experience a wage increase in response to an increase in the statutory minimum.

Notwithstanding these uncertainties, certain conclusions can be drawn about shorter vs. longer-term effects:

A. After 2 years, there will likely be reduced total output, labor force participation, and employment for the Puerto Rican economy, especially among low skilled persons, if the total minimum wage increase were to be compressed into those two years. Such a degree of adverse economic effects will not occur if employers, after two years, had only been required to implement part of the minimum wage increases as part of a total 6-year phase-in plan.

B. After 6 years, output and employment would likely have recovered from the short-term effects of a 2-year phase-in of the minimum wage. However, the output, income and adverse social costs of unemployment lost in the first 5 years would not be recoverable. In addition, there would have been a substitution of capital for labor that would possibly result in some permanent adverse effects on certain industries and in loss of low-skilled jobs, which would particularly impact on the large numbers of less educated workers, including youth. By contrast, by the 6th year of a 6-year phase-in, these groups would likely have more opportunities.

In sum, while the data available allows for only rough estimates, had the Congress not provided an extended phase-in period for Puerto Rico employers to adjust to the higher minimum wage rates, the increase in the aggregate wage bill under a two year phase-in period would have been under one billion dollars, and would have been accompanied by other serious macroeconomic effects such as unemployment, inflation, and reductions in aggregate demand and total product. The greatest impact would have been on smaller businesses, which generally employ small numbers of workers with higher percentages paid at or near the applicable minimum. The impact would also have been felt in certain Commonwealth corporations and municipal government entities. These macro-effects are greatly mitigated with the six year phase-in period provided for Puerto Rico.

This document was prepared under the direction and control of John R. Frasert, Acting Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 510

Employment, Investigations, Labor, Law enforcement, Puerto Rico, Incorporation by reference, Minimum wages.

Signed at Washington, DC, on this 31st day of December, 1991.

Cari M. Dominguez,

Assistant Secretary For Employment Standards.

Appendix Tables

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TABLE 1. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1989	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
20	24173	17312	$5.82	2,813,200.0	$15,370,774	73.7	$7.38	$19,500,236
2011	274	235	$4.45	38,187.5	$169,934	32.8	$5.65	$215,588
2013	275	191	$4.70	31,037.5	$145,876	40.3	$5.96	$185,067
2015	943	770	$4.56	125,125.0	$570,570	36.1	$5.79	$723,857
2022	7	6	$3.35	975.0	$3,266	0.0	$4.25	$4,144
2023	112	71	$6.29	11,537.5	$72,571	87.8	$7.98	$92,068
2024	301	146	$4.89	23,725.0	$116,015	46.0	$6.20	$147,184
2026	1383	436	$5.85	70,850.0	$414,473	74.6	$7.42	$525,823
2032	370	150	$5.11	24,375.0	$124,556	52.5	$6.48	$158,019
2033	939	665	$5.11	108,062.5	$552,199	52.5	$6.48	$700,551
2035	99	70	$3.74	11,375.0	$42,543	11.6	$4.74	$53,972
2037	76	61	$4.12	9,912.5	$40,840	23.0	$5.23	$51,811
2038	457	379	$3.42	61,587.5	$210,629	2.1	$4.34	$267,216
2041	1	1	$3.36	162.5	$546	0.3	$4.26	$693
2043	7	2	$4.10	325.0	$1,333	22.4	$5.20	$1,690
2044	244	177	$7.88	28,762.5	$226,649	135.2	$10.00	$287,539
2045	13	9	$5.25	1,462.5	$7,678	56.7	$6.66	$9,741
2046	183	83	$5.99	13,487.5	$80,790	78.8	$7.60	$102,495
2048	563	353	$7.47	57,362.5	$428,498	123.0	$9.48	$543,617
2051	1085	489	$4.81	79,462.5	$382,215	43.6	$6.10	$484,899
2052	520	396	$5.43	64,350.0	$349,421	62.1	$6.89	$443,295
2053	11	10	$3.29	1,625.0	$5,346	-1.8	$4.17	$6,783
2061	2009	1620	$5.01	263,250.0	$1,318,883	49.6	$6.36	$1,673,209
2062	337	243	$8.84	39,487.5	$349,070	163.9	$11.21	$442,849
2064	568	454	$7.93	73,775.0	$585,036	136.7	$10.06	$742,210
2066	81	25	$3.96	4,062.5	$16,088	18.2	$5.02	$20,410
2067	740	96	$10.29	15,600.0	$160,524	207.2	$13.05	$203,650
2082	364	294	$7.78	47,775.0	$371,690	132.2	$9.87	$471,546
2084	46	30	$3.80	4,875.0	$18,525	13.4	$4.82	$23,502
2085	843	389	$6.52	63,212.5	$412,146	94.6	$8.27	$522,871
2086	1385	371	$8.85	60,287.5	$533,544	164.2	$11.23	$676,885
2087	493	312	$8.17	50,700.0	$414,219	143.9	$10.36	$525,502
2091	8029	7676	$5.41	1,247,350.0	$6,748,164	61.5	$6.86	$8,561,103
2095	436	132	$4.38	21,450.0	$93,951	30.7	$5.56	$119,192
2096	671	210	$6.55	34,125.0	$223,519	95.5	$8.31	$283,569
2097	95	72	$3.32	11,700.0	$38,844	-0.9	$4.21	$49,280
2098	75	60	$4.93	9,750.0	$48,068	47.2	$6.25	$60,981
2099	138	128	$4.45	20,800.0	$92,560	32.8	$5.65	$117,427
21	1177	1026	$6.39	166,725.0	$1,046,747	90.7	$8.11	$1,327,963
2111	257	209	$10.57	33,962.5	$358,984	215.5	$13.41	$455,427
2121	856	760	$5.20	123,500.0	$642,200	55.2	$6.60	$814,731
2131	63	56	$4.94	9,100.0	$44,954	47.5	$6.27	$57,031
2141	1	1	$3.75	162.5	$609	11.9	$4.76	$773
22	3839	3427	$4.69	556,887.5	$2,606,263	40.0	$5.95	$3,306,453
2211	449	376	$6.18	61,100.0	$377,598	84.5	$7.84	$479,042
2241	30	23	$5.92	3,737.5	$22,126	76.7	$7.51	$28,070
2251	835	763	$4.96	123,987.5	$614,978	48.1	$6.29	$780,196
2253	1765	1595	$4.43	259,187.5	$1,148,201	32.2	$5.62	$1,456,672
2254	618	563	$3.91	91,487.5	$357,716	16.7	$4.96	$453,819
2261	3	2	$3.42	325.0	$1,112	2.1	$4.34	$1,410
2262	19	10	$4.99	1,625.0	$8,109	49.0	$6.33	$10,287
2273	102	80	$5.14	13,000.0	$66,820	53.4	$6.52	$84,772
2281	18	15	$3.94	2,437.5	$9,604	17.6	$5.00	$12,184
23	32201	30277	$4.09	4,920,012.5	$20,111,104	22.1	$5.19	$25,514,087
2311	2765	2595	$3.77	421,687.5	$1,589,762	12.5	$4.78	$2,016,862
2321	2825	2686	$4.04	436,475.0	$1,763,359	20.6	$5.13	$2,237,097
2322	1994	1865	$4.91	303,062.5	$1,488,037	46.6	$6.23	$1,887,808
2323	473	457	$4.45	74,262.5	$330,468	32.8	$5.65	$419,251
2325	1788	1712	$4.12	278,200.0	$1,146,184	23.0	$5.23	$1,454,114
2326	3126	3027	$3.97	491,887.5	$1,952,793	18.5	$5.04	$2,477,424
2329	729	674	$3.96	109,525.0	$433,719	18.2	$5.02	$550,241
2331	1003	926	$3.84	150,475.0	$577,824	14.6	$4.87	$733,060
2335	1350	1215	$3.86	197,437.5	$762,109	15.2	$4.90	$966,854
2337	128	109	$3.81	17,712.5	$67,485	13.7	$4.83	$85,615
2339	1415	1314	$4.15	213,525.0	$886,129	23.9	$5.26	$1,124,193
2341	3877	3716	$4.01	603,850.0	$2,421,439	19.7	$5.09	$3,071,974

TABLE I. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1989	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
2342	6689	6345	$4.30	1,031,062.5	$4,433,569	28.4	$5.46	$5,624,677
2353	447	380	$3.83	61,750.0	$236,503	14.3	$4.86	$300,040
2361	1582	1482	$3.78	240,825.0	$910,319	12.8	$4.80	$1,154,882
2369	570	517	$3.97	84,012.5	$333,530	18.5	$5.04	$423,135
2385	58	48	$3.58	7,800.0	$27,924	6.9	$4.54	$35,426
2387	24	18	$3.60	2,925.0	$10,530	7.5	$4.57	$13,359
2389	86	73	$3.69	11,862.5	$43,773	10.1	$4.68	$55,532
2391	123	87	$4.10	14,137.5	$57,964	22.4	$5.20	$73,536
2392	393	344	$3.94	55,900.0	$220,246	17.6	$5.00	$279,417
2393	460	436	$3.59	70,850.0	$254,352	7.2	$4.55	$322,685
2395	60	55	$4.16	8,937.5	$37,180	24.2	$5.28	$47,169
2396	199	161	$4.08	26,162.5	$106,743	21.8	$5.18	$135,420
2399	37	35	$3.37	5,687.5	$19,167	0.6	$4.28	$24,316
24	1016	789	$4.16	128,212.5	$532,795	24.2	$5.28	$675,934
2421	19	15	$3.40	2,437.5	$8,288	1.5	$4.31	$10,514
2431	316	209	$4.30	33,962.5	$146,039	28.4	$5.46	$185,273
2434	457	382	$4.18	62,075.0	$259,474	24.8	$5.30	$329,183
2435	7	6	$3.59	975.0	$3,500	7.2	$4.55	$4,441
2448	107	90	$3.85	14,625.0	$56,306	14.9	$4.88	$71,433
2451	13	9	$3.62	1,462.5	$5,294	8.1	$4.59	$6,717
2491	59	47	$4.26	7,637.5	$32,536	27.2	$5.40	$41,277
2499	38	31	$4.24	5,037.5	$21,359	26.6	$5.38	$27,097
25	2190	1725	$4.05	280,312.5	$1,127,007	20.9	$5.14	$1,429,785
2511	451	382	$3.58	62,075.0	$222,229	6.9	$4.54	$281,932
2512	145	117	$3.67	19,012.5	$69,776	9.6	$4.66	$88,522
2514	109	85	$3.48	13,975.0	$48,633	3.9	$4.41	$61,699
2515	286	189	$4.28	30,712.5	$131,450	27.8	$5.43	$166,764
2517	42	37	$3.95	6,012.5	$23,749	17.9	$5.01	$30,130
2519	413	309	$3.77	50,212.5	$189,301	12.5	$4.78	$240,158
2521	45	31	$4.38	5,037.5	$22,064	30.7	$5.56	$27,992
2522	44	37	$4.20	6,012.5	$25,253	25.4	$5.33	$32,037
2531	33	27	$3.62	4,387.5	$15,883	8.1	$4.59	$20,150
2541	61	48	$4.11	7,800.0	$32,058	22.7	$5.21	$40,671
2542	469	401	$4.69	65,162.5	$305,612	40.0	$5.95	$387,717
2591	59	36	$3.96	5,850.0	$23,166	18.2	$5.02	$29,390
2599	33	25	$4.39	4,062.5	$17,834	31.0	$5.57	$22,626
26	2143	1579	$5.74	256,587.5	$2,474,116	71.3	$7.28	$3,138,804
2611	55	37	$4.74	6,012.5	$28,499	41.5	$6.01	$36,156
2621	34	14	$4.26	2,275.0	$9,692	27.2	$5.40	$12,295
2631	75	59	$6.79	9,587.5	$65,099	102.7	$8.61	$82,588
2652	460	353	$5.98	57,362.5	$343,028	78.5	$7.59	$435,184
2653	497	379	$6.65	61,587.5	$409,557	98.5	$8.44	$519,587
2655	36	29	$5.43	4,712.5	$25,589	62.1	$6.89	$32,463
2657	192	165	$5.70	26,812.5	$152,831	70.1	$7.23	$193,890
2671	78	62	$4.17	10,075.0	$42,013	24.5	$5.29	$53,300
2672	54	145	$4.02	23,562.5	$94,721	20.0	$5.10	$120,169
2673	184	49	$4.27	7,962.5	$34,000	27.5	$5.42	$43,134
2674	162	48	$5.66	7,800.0	$44,148	69.0	$7.18	$56,009
2676	164	52	$7.46	8,450.0	$63,037	122.7	$9.46	$79,972
2677	66	11	$5.31	1,787.5	$9,492	58.5	$6.74	$12,042
2678	71	1931	$3.66	313,787.5	$1,148,462	9.3	$4.64	$1,457,004
2679	15	5	$4.86	812.5	$3,949	45.1	$6.17	$5,010
27	3494	2660	$6.05	432,250.0	$2,260,768	80.6	$7.68	$2,868,139
2711	1364	97	$8.94	15,762.5	$140,917	166.9	$11.34	$178,775
2731	7	1019	$4.74	165,587.5	$784,885	41.5	$6.01	$995,749
2732	12	8	$3.82	1,300.0	$4,966	14.0	$4.85	$6,300
2741	130	97	$5.84	15,762.5	$92,053	74.3	$7.41	$116,784
2752	1426	1019	$5.18	165,587.5	$857,743	54.6	$6.57	$1,088,182
2754	30	24	$5.29	3,900.0	$20,631	57.9	$6.71	$26,174
2759	232	180	$5.26	29,250.0	$153,855	57.0	$6.67	$195,189
2761	62	30	$6.05	4,875.0	$29,494	80.6	$7.68	$37,417
2782	199	167	$5.62	27,137.5	$152,513	67.8	$7.13	$193,486
2796	32	19	$7.68	3,087.5	$23,712	129.3	$9.74	$30,082
28	20826	14206	$8.49	2,308,475.0	$19,535,739	153.4	$10.77	$24,784,146
2813	117	74	$9.30	12,025.0	$111,833	177.6	$11.80	$141,877

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SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1989	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
2819	343	253	$7.11	41,112.5	$292,310	112.2	$9.02	$370,841
2821	29	22	$5.16	3,575.0	$18,447	54.0	$6.55	$23,403
2822	15	10	$4.19	1,625.0	$6,809	25.1	$5.32	$8,638
2833	1876	1272	$10.56	206,700.0	$2,182,752	215.2	$13.40	$2,769,163
2834	14029	9540	$8.64	1,550,250.0	$13,394,160	157.9	$10.96	$16,992,591
2835	1212	948	$7.38	154,050.0	$1,136,889	120.3	$9.36	$1,442,322
2836	83	70	$7.45	11,375.0	$84,744	122.4	$9.45	$107,511
2841	145	92	$5.17	14,950.0	$77,292	54.3	$6.56	$98,056
2842	336	160	$5.96	26,000.0	$154,960	77.9	$7.56	$196,591
2844	1189	908	$7.47	147,550.0	$1,102,199	123.0	$9.48	$1,398,312
2851	469	230	$5.36	37,375.0	$200,330	60.0	$6.80	$254,150
2865	39	22	$7.66	3,575.0	$27,385	128.7	$9.72	$34,742
2869	42	29	$6.18	4,712.5	$29,123	84.5	$7.84	$36,947
2873	152	85	$5.80	13,812.5	$80,113	73.1	$7.36	$101,635
2879	333	212	$10.06	34,450.0	$346,567	200.3	$12.76	$439,675
2891	260	181	$6.34	29,412.5	$186,475	89.3	$8.04	$236,573
2899	157	98	$6.49	15,925.0	$103,353	93.7	$8.23	$131,120
29	1755	983	$9.17	159,737.5	$1,461,727	173.7	$11.63	$1,854,429
2911	883	497	$12.53	80,762.5	$1,011,954	274.0	$15.90	$1,283,822
2951	672	375	$5.82	60,937.5	$354,656	73.7	$7.38	$449,937
2952	82	47	$5.55	7,637.5	$42,388	65.7	$7.04	$53,776
2992	118	64	$5.07	10,400.0	$52,728	51.3	$6.43	$66,894
30	5721	4813	$5.22	782,112.5	$4,075,016	55.8	$6.62	$5,169,796
3021	1639	1527	$5.06	248,137.5	$1,255,576	51.0	$6.42	$1,592,895
3052	64	38	$4.43	6,175.0	$27,355	32.2	$5.62	$34,704
3069	772	697	$4.22	113,262.5	$477,968	26.0	$5.35	$606,377
3081	30	25	$4.75	4,062.5	$19,297	41.8	$6.03	$24,481
3082	13	9	$3.70	1,462.5	$5,411	10.4	$4.69	$6,865
3083	29	24	$4.95	3,900.0	$19,305	47.8	$6.28	$24,491
3084	220	148	$4.74	24,050.0	$113,997	41.5	$6.01	$144,623
3085	425	324	$6.27	52,650.0	$330,116	87.2	$7.95	$418,803
3086	233	115	$4.36	18,687.5	$81,478	30.1	$5.53	$103,367
3087	10	8	$3.88	1,300.0	$5,044	15.8	$4.92	$6,399
3088	66	45	$4.81	7,312.5	$35,173	43.6	$6.10	$44,623
3089	2220	1853	$5.66	301,112.5	$1,704,297	69.0	$7.18	$2,162,168
31	5640	5294	$4.36	860,275.0	$3,760,741	30.1	$5.53	$4,771,089
3131	683	665	$4.17	108,062.5	$450,621	24.5	$5.29	$571,683
3142	146	137	$3.69	22,262.5	$82,149	10.1	$4.68	$104,218
3143	781	711	$4.55	115,537.5	$525,696	35.8	$5.77	$666,927
3144	606	571	$4.87	92,787.5	$451,875	45.4	$6.18	$573,274
3149	2468	2339	$4.29	380,087.5	$1,630,575	28.1	$5.44	$2,068,640
3151	208	203	$3.65	32,987.5	$120,404	9.0	$4.63	$152,752
3161	25	18	$3.74	2,925.0	$10,940	11.6	$4.74	$13,878
3171	233	212	$3.55	34,450.0	$122,298	6.0	$4.50	$155,154
3172	490	448	$5.03	72,800.0	$366,184	50.1	$6.38	$464,562
32	5121	3795	$6.06	616,687.5	$3,496,903	80.9	$7.69	$4,436,369
3211	36	29	$4.03	4,712.5	$18,991	20.3	$5.11	$24,094
3221	499	434	$4.47	70,525.0	$315,247	33.4	$5.67	$399,940
3231	1082	877	$5.61	142,512.5	$799,495	67.5	$7.12	$1,014,285
3241	697	465	$7.41	75,562.5	$559,918	121.2	$9.40	$710,344
3261	63	49	$3.90	7,962.5	$31,054	16.4	$4.95	$39,397
3269	32	26	$3.31	4,225.0	$13,985	-1.2	$4.20	$17,742
3271	586	311	$4.08	50,537.5	$206,193	21.8	$5.18	$261,588
3272	688	530	$5.23	86,125.0	$450,434	56.1	$6.64	$571,446
3273	1225	896	$6.55	145,600.0	$953,680	95.5	$8.31	$1,209,893
3274	29	20	$7.18	3,250.0	$23,335	114.3	$9.11	$29,604
3275	16	14	$2.82	2,275.0	$6,416	-15.8	$3.58	$8,139
3281	115	102	$4.68	16,575.0	$77,571	39.7	$5.94	$98,411
3295	20	15	$4.05	2,437.5	$9,872	20.9	$5.14	$12,524
3296	33	27	$7.00	4,387.5	$30,713	109.0	$8.88	$38,964
33	695	514	$6.64	83,525.0	$536,661	98.2	$8.42	$680,839
3312	197	146	$4.98	23,725.0	$118,151	48.7	$6.32	$149,892
3317	9	7	$8.01	1,137.5	$9,111	139.1	$10.16	$11,559
3341	73	55	$4.86	8,937.5	$43,436	45.1	$6.17	$55,106
3351	25	16	$6.67	2,600.0	$17,342	99.1	$8.46	$22,001

TABLE I. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1989	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
3353	14	9	$5.21	1,462.5	$7,620	55.5	$6.61	$9,667
3354	220	168	$6.92	27,300.0	$188,916	106.6	$8.78	$239,670
3365	19	19	$4.13	3,087.5	$12,751	23.3	$5.24	$16,177
3398	21	18	$5.92	2,925.0	$17,316	76.7	$7.51	$21,968
3399	117	76	$9.88	12,350.0	$122,018	194.9	$12.53	$154,799
34	4515	3468	$5.32	563,550.0	$2,972,198	58.8	$6.75	$3,770,699
3411	522	431	$8.70	70,037.5	$609,326	159.7	$11.04	$773,026
3412	10	8	$5.15	1,300.0	$6,695	53.7	$6.53	$8,494
3421	13	9	$3.88	1,462.5	$5,675	15.8	$4.92	$7,199
3423	95	76	$4.94	12,350.0	$61,009	47.5	$6.27	$77,399
3429	10	8	$5.43	1,300.0	$7,059	62.1	$6.89	$8,955
3433	38	20	$4.52	3,250.0	$14,690	34.9	$5.73	$18,637
3441	142	111	$5.74	18,037.5	$103,535	71.3	$7.28	$131,351
3442	1098	789	$4.31	128,212.5	$552,596	28.7	$5.47	$701,054
3443	208	148	$5.24	24,050.0	$126,022	56.4	$6.65	$159,879
3444	457	303	$4.62	49,237.5	$227,477	37.9	$5.86	$288,591
3446	234	212	$3.98	34,450.0	$137,111	18.8	$5.05	$173,947
3449	14	9	$4.24	1,462.5	$6,201	26.6	$5.38	$7,867
3452	227	181	$7.45	29,412.5	$219,123	122.4	$9.45	$277,992
3469	446	329	$4.93	53,462.5	$263,570	47.2	$6.25	$334,380
3471	266	212	$4.44	34,450.0	$152,958	32.5	$5.63	$194,051
3494	27	20	$6.31	3,250.0	$20,508	88.4	$8.01	$26,017
3495	32	28	$4.10	4,550.0	$18,655	22.4	$5.20	$23,667
3496	310	245	$4.67	39,812.5	$185,924	39.4	$5.92	$235,874
3498	64	58	$5.51	9,425.0	$51,932	64.5	$6.99	$65,884
3499	302	271	$4.59	44,037.5	$202,132	37.0	$5.82	$256,436
35	4829	3827	$6.29	621,887.5	$3,888,354	87.8	$7.98	$4,932,986
3535	132	112	$5.36	18,200.0	$97,552	60.0	$6.80	$123,760
3541	10	7	$6.12	1,137.5	$6,962	82.7	$7.76	$8,832
3544	209	154	$7.17	25,025.0	$179,429	114.0	$9.10	$227,634
3545	226	183	$5.32	29,737.5	$158,204	58.8	$6.75	$200,706
3555	121	99	$7.38	16,087.5	$118,726	120.3	$9.36	$150,622
3562	134	108	$11.39	17,550.0	$199,895	240.0	$14.45	$253,598
3563	30	22	$7.45	3,575.0	$26,634	122.4	$9.45	$33,789
3564	117	99	$5.15	16,087.5	$82,851	53.7	$6.53	$105,109
3568	28	27	$4.89	4,387.5	$21,455	46.0	$6.20	$27,219
3569	424	298	$5.41	48,425.0	$261,979	61.5	$6.86	$332,362
3571	103	76	$3.83	12,350.0	$47,301	14.3	$4.86	$60,008
3572	1003	826	$5.96	134,225.0	$799,981	77.9	$7.56	$1,014,901
3577	976	820	$5.44	133,250.0	$724,880	62.4	$6.90	$919,624
3579	489	295	$9.18	47,937.5	$440,066	174.0	$11.65	$558,293
3585	621	530	$6.88	86,125.0	$592,540	105.4	$8.73	$751,730
3589	52	40	$5.66	6,500.0	$36,790	69.0	$7.18	$46,674
3592	87	85	$4.11	13,812.5	$56,769	22.7	$5.21	$72,021
3596	12	8	$3.35	1,300.0	$4,355	0.0	$4.25	$5,525
3599	55	38	$5.18	6,175.0	$31,987	54.6	$6.57	$40,580
36	20841	17494	$6.22	2,842,775.0	$17,628,531	85.7	$7.89	$22,364,555
3612	210	176	$4.66	28,600.0	$133,276	39.1	$5.91	$169,081
3613	3661	3259	$6.31	529,587.5	$3,341,697	88.4	$8.01	$4,239,467
3621	40	28	$10.69	4,550.0	$48,640	219.1	$13.56	$61,707
3624	503	409	$10.19	66,462.5	$677,253	204.2	$12.93	$859,201
3625	1099	955	$6.21	155,187.5	$963,714	85.4	$7.88	$1,222,623
3629	193	158	$4.85	25,675.0	$124,524	44.8	$6.15	$157,978
3639	29	19	$3.93	3,087.5	$12,134	17.3	$4.99	$15,394
3641	598	478	$5.17	77,675.0	$401,580	54.3	$6.56	$509,467
3643	1948	1669	$6.70	271,212.5	$1,817,124	100.0	$8.50	$2,305,306
3644	377	295	$4.92	47,937.5	$235,853	46.9	$6.24	$299,216
3645	107	99	$6.19	16,087.5	$99,582	84.8	$7.85	$126,335
3646	4	2	$3.35	325.0	$1,089	0.0	$4.25	$1,381
3648	101	90	$4.01	14,625.0	$58,646	19.7	$5.09	$74,402
3651	399	348	$5.55	56,550.0	$313,853	65.7	$7.04	$398,171
3652	5	4	$3.74	650.0	$2,431	11.6	$4.74	$3,084
3661	1607	1442	$5.47	234,325.0	$1,281,758	63.3	$6.94	$1,626,111
3663	1869	1629	$6.29	264,712.5	$1,665,042	87.8	$7.98	$2,112,366
3669	985	820	$4.88	133,250.0	$650,260	45.7	$6.19	$824,957

TABLE 1. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1989	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
3672	197	170	$4.35	27,625.0	$120,169	29.9	$5.52	$152,453
3674	4008	2964	$7.27	481,650.0	$3,501,596	117.0	$9.22	$4,442,323
3677	273	244	$4.57	39,650.0	$181,201	36.4	$5.80	$229,881
3678	307	260	$4.88	42,250.0	$206,180	45.7	$6.19	$261,572
3679	859	669	$5.41	108,712.5	$588,135	61.5	$6.86	$746,141
3692	390	360	$6.04	58,500.0	$353,340	80.3	$7.66	$448,267
3694	1072	947	$5.52	153,887.5	$849,459	64.8	$7.00	$1,077,672
37	1058	788	$5.78	128,050.0	$734,958	72.5	$7.33	$932,410
3713	58	35	$5.05	5,687.5	$28,722	50.7	$6.41	$36,438
3714	350	289	$5.44	46,962.5	$255,476	62.4	$6.90	$324,111
3721	337	222	$6.82	36,075.0	$246,032	103.6	$8.65	$312,130
3728	199	154	$5.15	25,025.0	$128,879	53.7	$6.53	$163,503
3731	77	58	$5.91	9,425.0	$55,702	76.4	$7.50	$70,666
3732	33	27	$4.16	4,387.5	$18,252	24.2	$5.28	$23,156
3792	4	3	$3.89	487.5	$1,896	16.1	$4.94	$2,406
38	14861	12485	$6.05	2,028,812.5	$12,268,835	80.6	$7.68	$15,564,939
3812	543	466	$5.02	75,725.0	$380,140	49.9	$6.37	$482,267
3821	316	250	$6.11	40,625.0	$248,219	82.4	$7.75	$314,904
3822	698	618	$5.84	100,425.0	$586,482	74.3	$7.41	$744,044
3823	824	669	$6.72	108,712.5	$730,548	100.6	$8.53	$926,815
3824	144	131	$4.79	21,287.5	$101,967	43.0	$6.08	$129,361
3825	1108	947	$5.40	153,887.5	$830,993	61.2	$6.85	$1,054,244
3829	85	71	$4.18	11,537.5	$48,227	24.8	$5.30	$61,183
3841	6853	5914	$6.22	961,025.0	$5,977,576	85.7	$7.89	$7,583,491
3842	2223	1735	$6.18	281,937.5	$1,742,374	84.5	$7.84	$2,210,474
3843	386	284	$7.83	46,150.0	$361,355	133.7	$9.93	$458,435
3844	79	61	$5.58	9,912.5	$55,312	66.6	$7.08	$70,172
3845	429	340	$7.15	55,250.0	$395,038	113.4	$9.07	$501,167
3851	1060	919	$4.98	149,337.5	$743,701	48.7	$6.32	$943,501
3861	47	37	$5.41	6,012.5	$32,528	61.5	$6.86	$41,266
3873	66	43	$4.92	6,987.5	$34,379	46.9	$6.24	$43,615
39	3273	2739	$5.44	445,087.5	$2,416,728	62.4	$6.90	$3,065,998
3911	440	370	$5.66	60,125.0	$340,308	69.0	$7.18	$431,733
3914	76	68	$5.79	11,050.0	$63,980	72.8	$7.35	$81,168
3915	159	146	$6.78	23,725.0	$160,856	102.4	$8.60	$204,070
3942	14	8	$4.17	1,300.0	$5,421	24.5	$5.29	$6,877
3949	18	13	$4.01	2,112.5	$8,471	19.7	$5.09	$10,747
3951	19	18	$3.86	2,925.0	$11,291	15.2	$4.90	$14,324
3952	5	4	$5.14	650.0	$3,341	53.4	$6.52	$4,239
3953	31	23	$5.15	3,737.5	$19,248	53.7	$6.53	$24,419
3961	1895	1632	$5.33	265,200.0	$1,413,516	59.1	$6.76	$1,793,267
3965	22	16	$3.77	2,600.0	$9,802	12.5	$4.78	$12,435
3991	139	107	$8.01	17,387.5	$139,274	139.1	$10.16	$176,691
3993	179	114	$4.61	18,525.0	$85,400	37.6	$5.85	$108,344
3995	80	65	$4.26	10,562.5	$44,996	27.2	$5.40	$57,085
3999	196	155	$4.40	25,187.5	$110,825	31.3	$5.58	$140,599

TABLE 2. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
TOTAL	148,711	127,814	--	20,769,775	$114,662,928			$145,467,894
723	9	7	$3.75	1,138	$4,266	11.9	$4.76	$5,412
74	17	15	$4.52	2,438	$11,018	34.9	$5.73	$13,977
751	3	1	$3.38	163	$549	0.9	$4.29	$697
78	70	65	$3.75	10,563	$39,609	11.9	$4.76	$50,251
1422	112	84	$4.62	13,650	$63,063	37.9	$5.86	$80,005
1429	61	54	$6.19	8,775	$54,317	84.8	$7.85	$68,910
1442	217	180	$5.53	29,250	$161,753	65.1	$7.02	$205,208
152	4,865	4,421	$4.77	718,413	$3,426,828	42.4	$6.05	$4,347,468
154	3,336	2,877	$5.87	467,513	$2,744,298	75.2	$7.45	$3,481,573
1611	1,027	945	$5.57	153,563	$855,343	66.3	$7.07	$1,085,137
1622	665	606	$5.19	98,475	$511,085	54.9	$6.58	$648,392
1623	297	252	$5.85	40,950	$239,558	74.6	$7.42	$303,916
1629	756	667	$6.66	108,388	$721,861	98.8	$8.45	$915,793
1711	1,282	1,139	$5.65	185,088	$1,045,744	68.7	$7.17	$1,326,691
1721	168	152	$4.61	24,700	$113,867	37.6	$5.85	$144,458
1731	2,028	1,814	$5.08	294,775	$1,497,457	51.6	$6.44	$1,899,759
1741	199	189	$4.75	30,713	$145,884	41.8	$6.03	$185,077
1742	248	236	$5.28	38,350	$202,488	57.6	$6.70	$256,888
1743	68	55	$5.10	8,938	$45,581	52.2	$6.47	$57,827
1751	9	5	$4.42	813	$3,591	31.9	$5.61	$4,556
1761	405	362	$4.34	58,825	$255,301	29.6	$5.51	$323,889
1791	21	16	$4.71	2,600	$12,246	40.6	$5.98	$15,536
1793	10	8	$4.01	1,300	$5,213	19.7	$5.09	$6,614
1794	333	284	$5.45	46,150	$251,518	62.7	$6.91	$319,089
1795	117	115	$6.50	18,688	$121,469	94.0	$8.25	$154,102
1796	183	104	$6.65	16,900	$112,385	98.5	$8.44	$142,578
1799	274	255	$4.92	41,438	$203,873	46.9	$6.24	$258,644
4111	4	4	$4.63	650	$3,010	38.2	$5.87	$3,818
4121	11	11	$3.63	1,788	$6,489	8.4	$4.61	$8,232
4131	31	29	$3.53	4,713	$16,635	5.4	$4.48	$21,104
4151	5	5	$7.00	813	$5,688	109.0	$8.88	$7,215
4210	1,024	926	$10.36	150,475	$1,558,921	209.3	$13.14	$1,977,736
4221	114	95	$12.56	15,438	$193,895	274.9	$15.93	$245,986
4222	34	26	$6.39	4,225	$26,998	90.7	$8.11	$34,251
4224	14	9	$5.98	1,463	$8,746	78.5	$7.59	$11,095
4225	68	64	$5.52	10,400	$57,408	64.8	$7.00	$72,831
4226	122	90	$5.04	14,625	$73,710	50.4	$6.39	$93,513
4422	19	4	$7.50	650	$4,875	123.9	$9.51	$6,185
4454	227	204	$9.71	33,150	$321,887	189.9	$12.32	$408,363
4459	18	15	$13.33	2,438	$32,492	297.9	$16.91	$41,221
4463	1,526	1,356	$16.49	220,350	$3,633,572	392.2	$20.92	$4,609,755
4469	44	39	$4.92	6,338	$31,181	46.9	$6.24	$39,557
4511	64	45	$11.93	7,313	$87,238	256.1	$15.14	$110,675
4521	268	256	$8.06	41,600	$335,296	140.6	$10.23	$425,376
4582	30	25	$4.86	4,063	$19,744	45.1	$6.17	$25,048
4583	605	510	$5.81	82,875	$481,504	73.4	$7.37	$610,863
4613	6	6	$12.92	975	$12,597	285.7	$16.39	$15,981
4712	37	25	$6.19	4,063	$25,147	84.8	$7.85	$31,903
4722	217	170	$6.45	27,625	$178,181	92.5	$8.18	$226,051
4723	96	84	$5.77	13,650	$78,761	72.2	$7.32	$99,920
4782	29	19	$7.51	3,088	$23,187	124.2	$9.53	$29,417
4821	86	68	$12.70	11,050	$140,335	279.1	$16.11	$178,037
4832	494	445	$6.19	72,313	$447,614	84.8	$7.85	$567,869
4833	673	570	$8.56	92,625	$792,870	155.5	$10.86	$1,005,880
4899	26	26	$3.92	4,225	$16,562	17.0	$4.97	$21,011
4923	15	11	$5.44	1,788	$9,724	62.4	$6.90	$12,336
4925	54	43	$6.39	6,988	$44,650	90.7	$8.11	$56,646

TABLE 2. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
4953	76	74	$4.96	12,025	$59,644	48.1	$6.29	$75,668
4971	12	12	$6.31	1,950	$12,305	88.4	$8.01	$15,610
5012	129	78	$5.10	12,675	$64,643	52.2	$6.47	$82,009
5013	227	197	$5.20	32,013	$166,465	55.2	$6.60	$211,187
5014	86	69	$4.76	11,213	$53,372	42.1	$6.04	$67,710
5021	61	53	$4.60	8,613	$39,618	37.3	$5.84	$50,261
5023	94	66	$4.96	10,725	$53,196	48.1	$6.29	$67,487
5031	37	32	$4.49	5,200	$23,348	34.0	$5.70	$29,621
5039	286	231	$4.65	37,538	$174,549	38.8	$5.90	$221,443
5041	9	8	$5.76	1,300	$7,488	71.9	$7.31	$9,500
5042	160	132	$4.87	21,450	$104,462	45.4	$6.18	$132,526
5043	145	111	$11.11	18,038	$200,397	231.6	$14.09	$254,235
5051	509	480	$5.15	78,000	$401,700	53.7	$6.53	$509,619
5063	328	232	$6.40	37,700	$241,280	91.0	$8.12	$306,101
5064	472	396	$7.66	64,350	$492,921	128.7	$9.72	$625,348
5065	107	86	$5.51	13,975	$77,002	64.5	$6.99	$97,689
5072	289	234	$5.05	38,025	$192,026	50.7	$6.41	$243,615
5074	207	167	$4.83	27,138	$131,074	44.2	$6.13	$166,288
5075	66	59	$9.08	9,588	$87,055	171.0	$11.52	$110,442
5078	27	18	$4.37	2,925	$12,782	30.4	$5.54	$16,216
5081	906	777	$9.90	126,263	$1,249,999	195.5	$12.56	$1,585,819
5082	61	46	$5.28	7,475	$39,468	57.6	$6.70	$50,071
5083	42	40	$4.10	6,500	$26,650	22.4	$5.20	$33,810
5084	730	598	$6.76	97,175	$656,903	101.8	$8.58	$833,384
5085	77	64	$6.35	10,400	$66,040	89.6	$8.06	$83,782
5086	15	375	$4.08	60,938	$248,625	21.8	$5.18	$315,420
5087	501	12	$5.91	1,950	$11,525	76.4	$7.50	$14,621
5093	82	67	$5.57	10,888	$60,643	66.3	$7.07	$76,936
5094	91	81	$10.11	13,163	$133,073	201.8	$12.83	$168,824
5099	110	97	$6.05	15,763	$95,363	80.6	$7.68	$120,983
5111	66	56	$5.10	9,100	$46,410	52.2	$6.47	$58,878
5112	80	75	$3.93	12,188	$47,897	17.3	$4.99	$60,765
5113	183	165	$6.33	26,813	$169,723	89.0	$8.03	$215,320
5122	2,543	2,024	$9.07	328,900	$2,983,123	170.7	$11.51	$3,784,559
5133	181	155	$4.38	25,188	$110,321	30.7	$5.56	$139,960
5134	22	15	$4.58	2,438	$11,164	36.7	$5.81	$14,163
5136	13	13	$5.02	2,113	$10,605	49.9	$6.37	$13,454
5137	260	219	$3.67	35,588	$130,606	9.6	$4.66	$165,694
5139	114	94	$4.54	15,275	$69,349	35.5	$5.76	$87,979
5141	3,231	2,722	$4.85	442,325	$2,145,276	44.8	$6.15	$2,721,619
5142	293	228	$5.39	37,050	$199,700	60.9	$6.84	$253,350
5143	38	33	$5.59	5,363	$29,976	66.9	$7.09	$38,030
5144	22	20	$3.70	3,250	$12,025	10.4	$4.69	$15,256
5145	87	71	$10.84	11,538	$125,067	223.6	$13.75	$158,666
5146	20	18	$5.17	2,925	$15,122	54.3	$6.56	$19,185
5147	204	175	$4.88	28,438	$138,775	45.7	$6.19	$176,058
5148	219	187	$4.72	30,388	$143,429	40.9	$5.99	$181,962
5149	323	280	$6.67	45,500	$303,485	99.1	$8.46	$385,018
5154	14	14	$4.70	2,275	$10,693	40.3	$5.96	$13,565
5161	502	310	$5.49	50,375	$276,559	63.9	$6.96	$350,858
5171	18	16	$6.78	2,600	$17,628	102.4	$8.60	$22,364
5172	545	443	$11.04	71,988	$794,742	229.6	$14.01	$1,008,255
5181	169	148	$7.46	24,050	$179,413	122.7	$9.46	$227,614
5191	135	112	$3.91	18,200	$71,162	16.7	$4.96	$90,280
5194	16	15	$3.79	2,438	$9,238	13.1	$4.81	$11,720
5198	72	65	$7.21	10,563	$76,156	115.2	$9.15	$96,615
5199	245	198	$6.05	32,175	$194,659	80.6	$7.68	$246,955

TABLE 2. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
5211	843	633	$3.89	102,863	$400,135	16.1	$4.94	$507,634
5231	140	102	$6.91	16,575	$114,533	106.3	$8.77	$145,303
5251	720	622	$4.17	101,075	$421,483	24.5	$5.29	$534,717
5261	46	42	$3.73	6,825	$25,457	11.3	$4.73	$32,297
5311	6,549	6,144	$5.59	998,400	$5,581,056	66.9	$7.09	$7,080,444
5331	228	215	$4.19	34,938	$146,388	25.1	$5.32	$185,716
5399	1,308	1,150	$3.89	186,875	$726,944	16.1	$4.94	$922,242
5411	11,418	10,176	$4.48	1,653,600	$7,408,128	33.7	$5.68	$9,398,371
5423	17	16	$6.92	2,600	$17,992	106.6	$8.78	$22,826
5462	198	179	$3.79	29,088	$110,242	13.1	$4.81	$139,859
5499	68	60	$3.65	9,750	$35,588	9.0	$4.63	$45,148
5511	794	643	$6.12	104,488	$639,464	82.7	$7.76	$811,260
5521	96	58	$4.30	9,425	$40,528	28.4	$5.46	$51,415
5531	952	831	$5.76	135,038	$777,816	71.9	$7.31	$986,781
5541	337	304	$3.93	49,400	$194,142	17.3	$4.99	$246,300
5611	1,191	1,042	$3.88	169,325	$656,981	15.8	$4.92	$833,483
5621	2,264	2,010	$3.84	326,625	$1,254,240	14.6	$4.87	$1,591,200
5631	40	37	$3.69	6,013	$22,186	10.1	$4.68	$28,147
5641	136	115	$3.79	18,688	$70,826	13.1	$4.81	$89,853
5651	1,599	1,406	$3.51	228,475	$801,947	4.8	$4.45	$1,017,396
5661	1,909	1,641	$4.06	266,663	$1,082,650	21.2	$5.15	$1,373,511
5699	171	148	$3.75	24,050	$90,188	11.9	$4.76	$114,417
5712	1,232	1,042	$4.56	169,325	$772,122	36.1	$5.79	$979,558
5713	18	16	$4.82	2,600	$12,532	43.9	$6.11	$15,899
5714	45	42	$3.47	6,825	$23,683	3.6	$4.40	$30,045
5719	153	90	$5.05	14,625	$73,856	50.7	$6.41	$93,698
5722	147	124	$4.71	20,150	$94,907	40.6	$5.98	$120,404
5732	143	120	$2.86	19,500	$55,770	-14.6	$3.63	$70,753
5733	42	29	$5.48	4,713	$25,825	63.6	$6.95	$32,762
5810	7,534	6,572	$4.11	1,067,950	$4,389,275	22.7	$5.21	$5,568,483
5912	2,337	2,176	$5.03	353,600	$1,778,608	50.1	$6.38	$2,256,443
5921	25	20	$3.57	3,250	$11,603	6.6	$4.53	$14,720
5931	4	4	$3.61	650	$2,347	7.8	$4.58	$2,977
5941	384	321	$7.86	52,163	$409,997	134.6	$9.97	$520,146
5942	319	114	$5.58	18,525	$103,370	66.6	$7.08	$131,140
5943	205	183	$4.47	29,738	$132,927	33.4	$5.67	$168,638
5944	201	178	$4.68	28,925	$135,369	39.7	$5.94	$171,737
5945	84	55	$3.40	8,938	$30,388	1.5	$4.31	$38,551
5946	263	198	$4.01	32,175	$129,022	19.7	$5.09	$163,684
5947	168	122	$3.93	19,825	$77,912	17.3	$4.99	$98,844
5949	310	259	$3.64	42,088	$153,199	8.7	$4.62	$194,356
5962	46	33	$4.37	5,363	$23,434	30.4	$5.54	$29,730
5963	23	20	$3.35	3,250	$10,888	0.0	$4.25	$13,813
5984	213	185	$4.55	30,063	$136,784	35.8	$5.77	$173,532
5992	45	35	$3.90	5,688	$22,181	16.4	$4.95	$28,140
5999	468	370	$5.71	60,125	$343,314	70.4	$7.24	$435,547
6022	6,359	5,118	$5.98	831,675	$4,973,417	78.5	$7.59	$6,309,558
6023	3,252	2,510	$5.95	407,875	$2,426,856	77.6	$7.55	$3,078,847
6025	920	546	$8.19	88,725	$726,658	144.5	$10.39	$921,879
6028	598	439	$7.30	71,338	$520,764	117.9	$9.26	$660,670
6059	4	4	$4.33	650	$2,815	29.3	$5.49	$3,571
6122	2,468	1,814	$5.24	294,775	$1,544,621	56.4	$6.65	$1,959,594
6131	64	38	$7.20	6,175	$44,460	114.9	$9.13	$56,404
6142	41	33	$6.62	5,363	$35,500	97.6	$8.40	$45,037
6143	505	380	$4.79	61,750	$295,783	43.0	$6.08	$375,246
6144	13	9	$12.24	1,463	$17,901	265.4	$15.53	$22,710
6145	43	516	$5.81	83,850	$487,169	73.4	$7.37	$618,050

TABLE 2. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
6146	1,027	191	$5.35	31,038	$166,051	59.7	$6.79	$210,661
6153	258	39	$5.53	6,338	$35,046	65.1	$7.02	$44,462
6162	750	629	$5.71	102,213	$583,633	70.4	$7.24	$740,430
6211	219	110	$12.89	17,875	$230,409	284.8	$16.35	$292,310
6221	29	19	$26.35	3,088	$81,356	686.6	$33.43	$103,212
6311	657	482	$6.07	78,325	$475,433	81.2	$7.70	$603,161
6321	161	131	$6.72	21,288	$143,052	100.6	$8.53	$181,484
6324	1,217	989	$7.28	160,713	$1,169,987	117.3	$9.24	$1,484,312
6331	1,148	970	$7.74	157,625	$1,220,018	131.0	$9.82	$1,547,783
6351	5	3	$6.53	488	$3,183	94.9	$8.28	$4,039
6361	67	49	$6.32	7,963	$50,323	88.7	$8.02	$63,843
6371	11	9	$11.23	1,463	$16,424	235.2	$14.25	$20,836
6411	1,052	853	$7.33	138,613	$1,016,030	118.8	$9.30	$1,288,993
6510	583	503	$5.79	81,738	$473,260	72.8	$7.35	$600,405
6531	119	96	$6.12	15,600	$95,472	82.7	$7.76	$121,121
6552	163	148	$5.08	24,050	$122,174	51.6	$6.44	$154,997
6553	34	26	$5.21	4,225	$22,012	55.5	$6.61	$27,926
7011	6,938	6,104	$6.58	991,900	$6,526,702	96.4	$8.35	$8,280,144
7021	23	21	$4.77	3,413	$16,278	42.4	$6.05	$20,651
7210	438	395	$4.63	64,188	$297,188	38.2	$5.87	$377,030
7221	56	46	$3.82	7,475	$28,555	14.0	$4.85	$36,226
7231	404	245	$5.12	39,813	$203,840	52.8	$6.50	$258,603
7241	39	33	$5.77	5,363	$30,942	72.2	$7.32	$39,254
7251	31	23	$4.37	3,738	$16,333	30.4	$5.54	$20,721
7261	63	52	$5.18	8,450	$43,771	54.6	$6.57	$55,530
7267	13	9	$3.51	1,463	$5,133	4.8	$4.45	$6,512
7299	114	99	$6.43	16,088	$103,443	91.9	$8.16	$131,233
7311	676	468	$8.99	76,050	$683,690	168.4	$11.41	$867,367
7312	22	19	$5.33	3,088	$16,456	59.1	$6.76	$20,877
7319	63	48	$5.59	7,800	$43,602	66.9	$7.09	$55,316
7321	64	42	$8.32	6,825	$56,784	148.4	$10.56	$72,039
7339	11	9	$4.63	1,463	$6,771	38.2	$5.87	$8,591
7342	75	68	$3.85	11,050	$42,543	14.9	$4.88	$53,972
7349	1,911	1,771	$3.85	287,788	$1,107,982	14.9	$4.88	$1,405,649
7361	257	242	$4.54	39,325	$178,536	35.5	$5.76	$226,500
7362	4,395	4,335	$4.49	704,438	$3,162,924	34.0	$5.70	$4,012,665
7372	22	15	$7.36	2,438	$17,940	119.7	$9.34	$22,760
7374	155	128	$6.21	20,800	$129,168	85.4	$7.88	$163,870
7379	65	55	$13.20	8,938	$117,975	294.0	$16.75	$149,670
7392	421	354	$9.05	57,525	$520,601	170.1	$11.48	$660,464
7393	4,354	4,125	$3.75	670,313	$2,513,672	11.9	$4.76	$3,188,987
7394	284	230	$5.93	37,375	$221,634	77.0	$7.52	$281,177
7395	133	120	$4.73	19,500	$92,235	41.2	$6.00	$117,015
7397	34	18	$5.19	2,925	$15,181	54.9	$6.58	$19,259
7399	452	383	$5.40	62,238	$336,083	61.2	$6.85	$426,373
7512	491	416	$7.09	67,600	$479,284	111.6	$8.99	$608,047
7513	14	7	$3.98	1,138	$4,527	18.8	$5.05	$5,744
7523	237	217	$3.50	35,263	$123,419	4.5	$4.44	$156,576
7525	90	78	$3.44	12,675	$43,602	2.7	$4.36	$55,316
7531	27	21	$4.22	3,413	$14,401	26.0	$5.35	$18,270
7534	139	121	$6.01	19,663	$118,172	79.4	$7.62	$149,919
7535	4	3	$3.75	488	$1,828	11.9	$4.76	$2,319
7538	54	44	$3.68	7,150	$26,312	9.9	$4.67	$33,381
7539	115	103	$4.16	16,738	$69,628	24.2	$5.28	$88,334
7542	18	15	$3.96	2,438	$9,653	18.2	$5.02	$12,246
7549	7	6	$3.37	975	$3,286	0.6	$4.28	$4,168
7622	25	23	$3.90	3,738	$14,576	16.4	$4.95	$18,492

TABLE 2. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
7623	114	94	$5.17	15,275	$78,972	54.3	$6.56	$100,188
7629	118	90	$5.46	14,625	$79,853	63.0	$6.93	$101,305
7631	9	8	$4.05	1,300	$5,265	20.9	$5.14	$6,679
7641	21	20	$3.97	3,250	$12,903	18.5	$5.04	$16,369
7692	25	21	$4.45	3,413	$15,186	32.8	$5.65	$19,265
7694	102	92	$8.96	14,950	$133,952	167.5	$11.37	$169,939
7699	61	54	$5.53	8,775	$48,526	65.1	$7.02	$61,563
7813	32	20	$6.11	3,250	$19,858	82.4	$7.75	$25,192
7814	42	35	$12.59	5,688	$71,606	275.8	$15.97	$90,843
7823	166	145	$4.50	23,563	$106,031	34.3	$5.71	$134,517
7832	245	201	$3.53	32,663	$115,299	5.4	$4.48	$146,274
7833	14	12	$3.06	1,950	$5,967	-8.7	$3.88	$7,570
7911	13	8	$4.42	1,300	$5,746	31.9	$5.61	$7,290
7929	6	3	$8.70	488	$4,241	159.7	$11.04	$5,381
7933	27	24	$3.65	3,900	$14,235	9.0	$4.63	$18,059
7941	8	8	$6.30	1,300	$8,190	88.1	$7.99	$10,390
7948	350	313	$5.36	50,663	$272,623	60.0	$6.80	$345,865
7993	50	43	$4.26	6,988	$29,767	27.2	$5.40	$37,764
7997	67	58	$4.73	9,425	$44,580	41.2	$6.00	$56,557
7999	269	222	$4.49	36,075	$161,977	34.0	$5.70	$205,493
8011	685	598	$4.74	97,175	$460,610	41.5	$6.01	$584,355
8021	105	98	$4.84	15,925	$77,077	44.5	$6.14	$97,784
8031	5	5	$5.73	813	$4,656	71.0	$7.27	$5,906
8049	54	44	$7.12	7,150	$50,908	112.5	$9.03	$64,585
8059	134	110	$5.21	17,875	$93,129	55.5	$6.61	$118,148
8062	10,496	9,445	$4.81	1,534,813	$7,382,448	43.6	$6.10	$9,365,792
8063	301	271	$6.68	44,038	$291,969	97.9	$8.41	$370,408
8069	529	491	$5.15	79,788	$410,906	53.7	$6.53	$521,298
8071	423	361	$5.33	58,663	$312,671	59.1	$6.76	$396,672
8072	31	27	$4.14	4,388	$18,164	23.6	$5.25	$23,044
8081	140	128	$6.89	20,800	$143,312	105.7	$8.74	$181,814
8091	390	361	$5.79	58,663	$339,656	72.8	$7.35	$430,907
8111	1,098	977	$10.08	158,763	$1,600,326	200.9	$12.79	$2,030,264
8321	377	330	$7.62	53,625	$408,623	127.5	$9.67	$518,402
8331	260	251	$3.35	40,788	$136,638	0.0	$4.25	$173,347
8351	315	271	$4.73	44,038	$208,297	41.2	$6.00	$264,258
8361	577	217	$4.26	35,263	$150,218	27.2	$5.40	$190,575
8399	610	610	$3.74	99,125	$370,728	11.6	$4.74	$470,326
8411	29	16	$3.89	2,600	$10,114	16.1	$4.94	$12,831
8611	91	76	$5.60	12,350	$69,160	67.2	$7.10	$87,740
8621	391	327	$4.94	53,138	$262,499	47.5	$6.27	$333,021
8631	65	54	$6.89	8,775	$60,460	105.7	$8.74	$76,703
8641	340	293	$4.47	47,613	$212,828	33.4	$5.67	$270,096
8661	123	117	$4.24	19,013	$80,613	26.6	$5.38	$102,270
8699	21	17	$4.63	2,763	$12,790	38.2	$5.87	$16,227
8811	17	17	$3.04	2,763	$8,398	-9.3	$3.86	$10,654
8911	447	336	$6.29	54,600	$343,434	87.8	$7.98	$435,700
8931	499	428	$10.32	69,550	$717,756	208.1	$13.09	$910,586
8922	176	158	$6.47	25,675	$166,117	93.1	$8.21	$210,746
5431	11	11	$3.35	1,788	$5,988	0.0	$4.25	$7,597

TABLE 3. EMPLOYMENT AND AVERAGE HOURLY EARNINGS FOR SELECTED MUNICIPALITIES

Municipality	Total Employment	Non Supervisory Employees	Average Hourly Earnings	Total Hours	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
TOTAL	43,398	38,606	$3.70	6,273,475	$23,022,080	10.4	$4.69	$29,207,117
ADJUNTAS	200	83	$3.58	13,488	$48,285	6.9	$4.54	$61,257
AGUADA	261	250	$3.74	40,625	$151,938	11.6	$4.74	$192,757
AGUADILLA	519	374	$3.71	60,775	$225,475	10.7	$4.71	$286,051
AGUAS BUENAS	202	118	$3.67	19,175	$70,372	9.6	$4.66	$89,278
AIBONITO	196	88	$3.74	14,300	$53,482	11.6	$4.74	$67,850
ANASCO	231	175	$3.73	28,438	$106,072	11.3	$4.73	$134,569
ARECIBO	892	498	$3.46	80,925	$280,001	3.3	$4.39	$355,225
ARROYO	165	159	$3.54	25,838	$91,465	5.7	$4.49	$116,037
BARCELONETA	303	239	$3.67	38,838	$142,534	9.6	$4.66	$180,826
BARRANQUITAS	213	149	$3.67	24,213	$88,860	9.6	$4.66	$112,733
BAYAMON	3,016	11,887	$3.48	1,931,638	$6,722,099	3.9	$4.41	$8,528,035
CABO ROJO	379	190	$3.84	30,875	$118,560	14.6	$4.87	$150,412
CAGUAS	1,738	1,320	$3.58	214,500	$767,910	6.9	$4.54	$974,214
CAMUY	246	127	$3.91	20,638	$80,693	16.7	$4.96	$102,371
CANOVANAS	301	199	$4.44	32,338	$143,579	32.5	$5.63	$182,152
CAROLINA	2,035	1,107	$3.77	179,888	$678,176	12.5	$4.78	$860,372
CATANO	515	400	$3.73	65,000	$0	-100.0	$0.00	$0
CAYEY	293	204	$3.96	33,150	$131,274	18.2	$5.02	$166,542
CEIBA	151	108	$4.06	17,550	$71,253	21.2	$5.15	$90,396
CIALES	167	135	$3.63	21,938	$79,633	8.4	$4.61	$101,027
CIDRA	273	178	$3.69	28,925	$106,733	10.1	$4.68	$135,408
COAMO	254	86	$3.49	13,975	$48,773	4.2	$4.43	$61,876
COMERIO	259	96	$4.16	15,600	$64,896	24.2	$5.28	$82,331
COROZAL	189	164	$3.68	26,650	$98,072	9.9	$4.67	$124,420
CULEBRA	99	23	$3.77	3,738	$14,090	12.5	$4.78	$17,876
DORADO	317	173	$4.19	28,113	$117,791	25.1	$5.32	$149,437
FAJARDO	475	409	$3.59	66,463	$0	-100.0	$0.00	$0
FLORIDA	174	104	$3.75	16,900	$63,375	11.9	$4.76	$80,401
GUANICA	178	154	$3.89	25,025	$97,347	16.1	$4.94	$123,500
GUAYANA	360	292	$3.70	47,450	$175,565	10.4	$4.69	$222,732
GUAYANILLA	175	174	$4.28	28,275	$121,017	27.8	$5.43	$153,529
GUAYNABO	1,628	1,268	$3.64	206,050	$750,022	8.7	$4.62	$951,520
GURABO	196	151	$3.81	24,538	$93,488	13.7	$4.83	$118,604
HATILLO	280	241	$3.65	39,163	$142,943	9.0	$4.63	$181,346
HORMINGUEROS	247	115	$3.91	18,688	$73,068	16.7	$4.96	$92,698
HUNACAO	886	355	$3.96	57,688	$228,443	18.2	$5.02	$289,815
ISABELA	477	484	$3.48	78,650	$273,702	3.9	$4.41	$347,234
JAYUYA	151	129	$3.81	20,963	$79,867	13.7	$4.83	$101,324
JUANA DIAZ	235	180	$3.80	29,250	$111,150	13.4	$4.82	$141,011
JUNCOS	175	121	$3.54	19,663	$69,605	5.7	$4.49	$88,305
LAJAS	174	77	$4.56	12,513	$57,057	36.1	$5.79	$72,386
LARES	293	244	$3.74	39,650	$148,291	11.6	$4.74	$188,130
LAS MARIAS	141	127	$3.77	20,638	$77,803	12.5	$4.78	$98,706
LAS PIEDRAS	232	177	$3.91	28,763	$112,461	16.7	$4.96	$142,675
LOIZA	463	168	$3.51	27,300	$95,823	4.8	$4.45	$121,566
LUQUILLO	218	201	$3.75	32,663	$122,484	11.9	$4.76	$155,391
MANATI	510	400	$3.73	65,000	$0	-100.0	$0.00	$0
MARICAO	163	85	$3.61	13,813	$49,863	7.8	$4.58	$63,259
MAUNABO	181	115	$3.72	18,688	$69,518	11.0	$4.72	$88,194
MAYAGUEZ	1,522	980	$3.71	159,250	$590,818	10.7	$4.71	$749,545
MOCA	230	132	$4.06	21,450	$87,087	21.2	$5.15	$110,484
MOROVIS	236	184	$3.83	29,900	$114,517	14.3	$4.86	$145,283
NAGUABO	202	162	$3.90	26,325	$102,668	16.4	$4.95	$130,250
NARANJITO	315	157	$4.10	25,513	$104,601	22.4	$5.20	$132,703
OROCOVIS	296	158	$3.58	25,675	$91,917	6.9	$4.54	$116,610
PATILLAS	207	121	$3.66	19,663	$71,965	9.3	$4.64	$91,299

TABLE 3. EMPLOYMENT AND AVERAGE HOURLY EARNINGS FOR SELECTED MUNICIPALITIES

Municipality	Total Employment	Non Supervisory Employees	Average Hourly Earnings	Total Hours	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
PENUELAS	2,262	122	$3.83	19,825	$75,930	14.3	$4.86	$96,329
PONCE	1,938	924	$3.86	150,150	$579,579	15.2	$4.90	$735,287
QUEBRADILLAS	236	160	$3.73	26,000	$0	-100.0	$0.00	$0
RINCON	208	177	$3.50	28,763	$100,669	4.5	$4.44	$127,714
RIO GRANDE	270	243	$3.84	39,488	$151,632	14.6	$4.87	$192,369
SABANA GRANDE	195	161	$3.69	26,163	$96,540	10.1	$4.68	$122,476
SALINAS	242	205	$3.58	33,313	$119,259	6.9	$4.54	$151,298
SAN GERMAN	323	212	$3.83	34,450	$131,944	14.3	$4.86	$167,391
SAN JUAN	9,007	7,199	$4.50	1,169,838	$5,264,269	34.3	$5.71	$6,678,550
SAN LORENZO	211	182	$3.50	29,575	$103,513	4.5	$4.44	$131,322
SAN SEBASTIAN	341	272	$3.69	44,200	$163,098	10.1	$4.68	$206,915
SANTA ISABEL	194	172	$3.75	27,950	$104,813	11.9	$4.76	$132,971
TOA ALTA	211	205	$3.85	33,313	$128,253	14.9	$4.88	$162,709
TOA BAJA	815	469	$3.71	76,213	$282,748	10.7	$4.71	$358,711
TRUJILLO ALTO	451	160	$4.05	26,000	$105,300	20.9	$5.14	$133,590
UTUADO	253	195	$3.52	31,688	$111,540	5.1	$4.47	$141,506
VEGA ALTA	210	176	$3.87	28,600	$110,682	15.5	$4.91	$140,417
VEGA BAJA	519	431	$3.71	70,038	$259,839	10.7	$4.71	$329,647
VIEQUES	258	144	$3.68	23,400	$86,112	9.9	$4.67	$109,247
VILLIALBA	184	142	$3.84	23,075	$88,608	14.6	$4.87	$112,413
YABUCOA	345	226	$3.67	36,725	$134,781	9.6	$4.66	$170,991
YAUCO	291	234	$3.80	38,025	$144,495	13.4	$4.82	$183,315

TABLE 4. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN STATE GOVERNMENT AGENCIES

Agencies	Total Employment	Non Supervisory Employees	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference form 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
Total	164,223	55,693	$4.08	9,050,113	$36,890,914	21.8	$5.18	$46,801,906
1	392	262	$4.76	42,575	$202,657	42.1	$6.04	$257,102
2	2,383	912	$3.88	148,200	$575,016	15.8	$4.92	$729,498
3	23	13	$4.98	2,113	$10,520	48.7	$6.32	$13,347
4	257	42	$4.32	6,825	$29,484	29.0	$5.48	$37,405
5	312	117	$4.43	19,013	$84,225	32.2	$5.62	$106,853
6	10	4	$4.36	650	$2,834	30.1	$5.53	$3,595
7	4	1	$3.35	163	$544	0.0	$4.25	$691
8	131	43	$4.56	6,988	$31,863	36.1	$5.79	$40,423
9	258	96	$4.13	15,600	$64,428	23.3	$5.24	$81,737
10	5,194	627	$4.32	101,888	$440,154	29.0	$5.48	$558,404
11	1,365	338	$4.37	54,925	$240,022	30.4	$5.54	$304,506
12	1,418	551	$4.20	89,538	$376,058	25.4	$5.33	$477,088
13	453	232	$4.46	37,700	$168,142	33.1	$5.66	$213,314
14	67,317	22,598	$3.61	3,672,175	$13,256,552	7.8	$4.58	$16,818,013
15	221	56	$3.73	9,100	$33,943	11.3	$4.73	$43,062
16	1,833	193	$4.43	31,363	$138,936	32.2	$5.62	$176,262
17	2,433	1,008	$4.23	163,800	$692,874	26.3	$5.37	$879,019
18	1,540	895	$3.91	145,438	$568,661	16.7	$4.96	$721,435
19	10,732	4,371	$3.92	710,288	$2,784,327	17.0	$4.97	$3,532,355
20	1,720	1,182	$3.81	192,075	$731,806	13.7	$4.83	$928,410
21	181	69	$4.50	11,213	$50,456	34.3	$5.71	$64,012
22	4,169	1,735	$4.05	281,938	$1,141,847	20.9	$5.14	$1,448,612
23	4,858	2,225	$4.47	361,563	$1,616,184	33.4	$5.67	$2,050,383
24	363	115	$5.62	18,688	$105,024	67.8	$7.13	$133,239
25	54	29	$5.41	4,713	$25,495	61.5	$6.86	$32,344
26	467	211	$4.24	34,288	$145,379	26.6	$5.38	$184,436
27	4,586	2,375	$3.86	385,938	$1,489,719	15.2	$4.90	$1,889,942
28	36	10	$6.15	1,625	$9,994	83.6	$7.80	$12,679
29	118	41	$4.23	6,663	$28,182	26.3	$5.37	$35,754
30	269	131	$4.33	21,288	$92,175	29.3	$5.49	$116,938
31	32	8	$5.36	1,300	$6,968	60.0	$6.80	$8,840
32	157	37	$5.15	6,013	$30,964	53.7	$6.53	$39,283
33	11	6	$6.25	975	$6,094	86.6	$7.93	$7,731
34	180	97	$4.55	15,763	$71,719	35.8	$5.77	$90,987
35	579	235	$4.88	38,188	$186,355	45.7	$6.19	$236,421
36	373	2	$4.81	325	$1,563	43.6	$6.10	$1,983
37	318	27	$5.56	4,388	$24,395	66.0	$7.05	$30,948
38	3,585	2,571	$5.20	417,788	$2,172,495	55.2	$6.60	$2,756,150
39	44	12	$4.21	1,950	$8,210	25.7	$5.34	$10,415
40	381	67	$4.71	10,888	$51,280	40.6	$5.98	$65,057
41	92	28	$4.48	4,550	$20,384	33.7	$5.68	$25,860
42	46	17	$4.19	2,763	$11,575	25.1	$5.32	$14,685
43	87	15	$3.80	2,438	$9,263	13.4	$4.82	$11,751
44	76	33	$3.82	5,363	$20,485	14.0	$4.85	$25,988
45	3,248	1,349	$7.06	219,213	$1,547,640	110.7	$8.96	$1,963,424
46	101	26	$4.21	4,225	$17,787	25.7	$5.34	$22,566
47	55	34	$4.68	5,525	$25,857	39.7	$5.94	$32,804
48	19	10	$4.05	1,625	$6,581	20.9	$5.14	$8,349
49	365	117	$4.44	19,013	$84,416	32.5	$5.63	$107,094
50	29	11	$4.71	1,788	$8,419	40.6	$5.98	$10,681
51	50	21	$4.18	3,413	$14,264	24.8	$5.30	$18,096
52	18	6	$5.03	975	$4,904	50.1	$6.38	$6,222
53	1,517	1,300	$4.90	211,250	$1,035,125	46.3	$6.22	$1,313,218
54	20,568	6,894	$4.29	1,120,275	$4,805,980	28.1	$5.44	$6,097,138

TABLE 4. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN STATE GOVERNMENT AGENCIES

Agencies	Total Employment	Non Supervisory Employees	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference form 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
55	25	9	$4.51	1,463	$6,596	34.6	$5.72	$8,368
56	367	125	$4.31	20,313	$87,547	28.7	$5.47	$111,067
57	14,900	1,173	$4.17	190,613	$794,854	24.5	$5.29	$1,008,397
58	177	84	$4.19	13,650	$57,194	25.1	$5.32	$72,559
59	498	156	$4.64	25,350	$117,624	38.5	$5.89	$149,224
60	211	111	$4.33	18,038	$78,102	29.3	$5.49	$99,085
61	588	222	$4.31	36,075	$155,483	28.7	$5.47	$197,255
62	857	171	$3.77	27,788	$104,759	12.5	$4.78	$132,903
63	694	86	$4.70	13,975	$65,683	40.3	$5.96	$83,329
64	809	128	$4.51	20,800	$93,808	34.6	$5.72	$119,010
65	30	13	$4.46	2,113	$9,422	33.1	$5.66	$11,953
66	39	10	$5.92	1,625	$9,620	76.7	$7.51	$12,204

TABLE 5. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN PUBLIC ORGANIZATIONS OF PUERTO RICO

Public Organizations	Total Employment	Non Supervisory Employment	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
TOTAL	36,223	20,998	$6.42	3,412,175	$23,099,749	91.6	$8.14	$27,777,160
1	593	302	$8.65	49,075	$424,362	158.2	$10.97	$538,543
2	18	6	$5.16	975	$503,500	54.0	$6.55	$6,383
3	17	11	$4.02	1,788	$719,200	20.0	$5.10	$9,116
4	471	8	$3.92	1,300	$5,100	17.0	$4.97	$6,465
5	2,735	1,411	$6.00	229,288	$1,375,741	79.1	$7.61	$1,745,323
6	22	20	$4.18	3,250	$13,579	24.8	$5.30	$17,235
7	421	278	$5.12	45,175	$231,220	52.8	$6.50	$293,435
8	70	44	$4.29	7,150	$30,706	28.1	$5.44	$38,914
9	1,462	1,334	$6.16	216,775	$1,334,455	83.9	$7.81	$1,694,080
10	4	2	$4.53	325	$1,472	35.2	$5.75	$1,868
11	28	10	$5.97	1,625	$9,695	78.2	$7.57	$12,308
12	1,300	924	$7.29	150,150	$1,093,903	117.6	$9.25	$1,388,663
13	11	1	$4.98	163	$810	48.7	$6.32	$1,027
14	7,095	5,881	$6.82	955,663	$6,513,814	103.6	$8.65	$8,268,620
15	1,229	779	$5.57	126,588	$705,653	66.3	$7.07	$894,520
16	250	79	$5.08	12,838	$65,217	51.6	$6.44	$82,735
17	71	6	$6.71	975	$6,540	100.3	$8.51	$8,300
18	1,915	1,313	$6.21	213,363	$1,324,064	85.4	$7.88	$1,680,946
19	1,441	1,048	$7.47	170,300	$1,271,964	123.0	$9.48	$1,613,910
20	112	17	$5.34	2,763	$14,765	59.4	$6.77	$18,715
21	189	67	$4.01	10,888	$43,684	19.7	$5.09	$55,388
22	45	5	$3.70	813	$3,009	10.4	$4.69	$3,814
23	7,793	4,021	$7.91	653,413	$5,169,694	136.1	$10.04	$6,557,043
24	43	13	$4.50	2,113	$9,509	34.3	$5.71	$12,060
25	93	43	$7.93	6,988	$55,393	136.7	$10.06	$70,297
26	385	85	$6.12	13,813	$84,546	82.7	$7.76	$107,243
27	4,539	1,262	$3.79	205,075	$776,612	13.1	$4.81	$986,043
28	1,020	688	$3.86	111,800	$431,036	15.2	$4.90	$547,486
29	1,147	725	$3.90	117,813	$459,575	16.4	$4.95	$582,908
30	1,704	615	$4.21	99,938	$420,931	25.7	$5.34	$533,771

EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN AGRICULTURE

Production Workers	Average Hourly Earnings	Total Hours Paid	1989 Wage Bill	Percent Difference from 1989 Minimum Wage	Average Hourly Earnings 1996	1996 Wage Bill
4,187	$3.39	680387.5	$2,306,514	1.2	$4.30	$2,925,666

TABLE 6. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	1996 Total Employment	Production Workers	1996 Total Hours Paid	Average Hourly Earnings 1996	1996 Wage Bill (SCENARIO 2)
20	24,098	17,258	2,804,479	$7.38	$19,439,785
2011	273	234	38,069	$5.65	$214,920
2013	274	190	30,941	$5.96	$184,493
2015	940	768	124,737	$5.79	$721,614
2022	7	6	972	$4.25	$4,131
2023	112	71	11,502	$7.98	$91,782
2024	300	146	23,651	$6.20	$146,727
2026	1,379	435	70,630	$7.42	$524,193
2032	369	150	24,299	$6.48	$157,529
2033	936	663	107,728	$6.48	$698,380
2035	99	70	11,340	$4.74	$53,805
2037	76	61	9,882	$5.23	$51,651
2038	456	378	61,397	$4.34	$266,388
2041	1	1	162	$4.26	$691
2043	7	2	324	$5.20	$1,685
2044	243	176	28,673	$10.00	$286,648
2045	13	9	1,458	$6.66	$9,711
2046	182	83	13,446	$7.60	$102,177
2048	561	352	57,185	$9.48	$541,931
2051	1,082	487	79,216	$6.10	$483,396
2052	518	395	64,151	$6.89	$441,920
2053	11	10	1,620	$4.17	$6,762
2061	2,003	1,615	262,434	$6.36	$1,668,022
2062	336	242	39,365	$11.21	$441,477
2064	566	453	73,546	$10.06	$739,909
2066	81	25	4,050	$5.02	$20,346
2067	738	96	15,552	$13.05	$203,019
2082	363	293	47,627	$9.87	$470,085
2084	46	30	4,860	$4.82	$23,429
2085	840	388	63,017	$8.27	$521,250
2086	1,381	370	60,101	$11.23	$674,786
2087	491	311	50,543	$10.36	$523,873
2091	8,004	7,652	1,243,483	$6.86	$8,534,564
2095	435	132	21,384	$5.56	$118,822
2096	669	209	34,019	$8.31	$282,690
2097	95	72	11,664	$4.21	$49,127
2098	75	60	9,720	$6.25	$60,792
2099	138	128	20,736	$5.65	$117,063
21	1,173	1,023	166,208	$8.11	$1,323,846
2111	256	208	33,857	$13.41	$454,015
2121	853	758	123,117	$6.60	$812,206
2131	63	56	9,072	$6.27	$56,854
2141	1	1	162	$4.76	$771
22	3,827	3,416	555,161	$5.95	$3,296,203
2211	448	375	60,911	$7.84	$477,557
2241	30	23	3,726	$7.51	$27,983
2251	832	761	123,603	$6.29	$777,777
2253	1,760	1,590	258,384	$5.62	$1,452,157
2254	616	561	91,204	$4.96	$452,412
2261	3	2	324	$4.34	$1,406
2262	19	10	1,620	$6.33	$10,255
2273	102	80	12,960	$6.52	$84,509
2281	18	15	2,430	$5.00	$12,146
23	32,101	30,183	4,904,760	$5.19	$25,434,993
2311	2,756	2,587	420,380	$4.78	$2,010,610
2321	2,816	2,678	435,122	$5.13	$2,230,162
2322	1,988	1,859	302,123	$6.23	$1,881,956
2323	472	456	74,032	$5.65	$417,951
2325	1,782	1,707	277,338	$5.23	$1,449,606
2326	3,116	3,018	490,363	$5.04	$2,469,744
2329	727	672	109,185	$5.02	$548,535
2331	1,000	923	150,009	$4.87	$730,788
2335	1,346	1,211	196,825	$4.90	$963,857
2337	128	109	17,658	$4.83	$85,349
2339	1,411	1,310	212,863	$5.26	$1,120,708
2341	3,865	3,704	601,978	$5.09	$3,062,451

TABLE 6. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	1996 Total Employment	Production Workers	1996 Total Hours Paid	Average Hourly Earnings 1996	1996 Wage Bill (SCENARIO 2)
2342	6,668	6,325	1,027,866	$5.46	$5,607,240
2353	446	379	61,559	$4.86	$299,110
2361	1,577	1,477	240,078	$4.80	$1,151,302
2369	568	515	83,752	$5.04	$421,823
2385	58	48	7,776	$4.54	$35,316
2387	24	18	2,916	$4.57	$13,318
2389	86	73	11,826	$4.68	$55,360
2391	123	87	14,094	$5.20	$73,308
2392	392	343	55,727	$5.00	$278,550
2393	459	435	70,630	$4.55	$321,684
2395	60	55	8,910	$5.28	$47,022
2396	198	161	26,081	$5.18	$135,000
2399	37	35	5,670	$4.28	$24,241
24	1,013	787	127,815	$5.28	$673,839
2421	19	15	2,430	$4.31	$10,481
2431	315	208	33,857	$5.46	$184,699
2434	456	381	61,883	$5.30	$328,162
2435	7	6	972	$4.55	$4,427
2448	107	90	14,580	$4.88	$71,212
2451	13	9	1,458	$4.59	$6,696
2491	59	47	7,614	$5.40	$41,149
2499	38	31	5,022	$5.38	$27,013
25	2,183	1,720	279,444	$5.14	$1,425,353
2511	450	381	61,883	$4.54	$281,058
2512	145	117	18,954	$4.66	$88,247
2514	109	86	13,932	$4.41	$61,507
2515	285	188	30,617	$5.43	$166,247
2517	42	37	5,994	$5.01	$30,036
2519	412	308	50,057	$4.78	$239,414
2521	45	31	5,022	$5.56	$27,905
2522	44	37	5,994	$5.33	$31,937
2531	33	27	4,374	$4.59	$20,087
2541	61	48	7,776	$5.21	$40,545
2542	468	400	64,960	$5.95	$386,515
2591	59	36	5,832	$5.02	$29,299
2599	33	25	4,050	$5.57	$22,556
26	2,136	1,574	255,792	$7.28	$3,129,074
2611	55	37	5,994	$6.01	$36,044
2621	34	14	2,268	$5.40	$12,257
2631	75	59	9,558	$8.61	$82,332
2652	459	352	57,185	$7.59	$433,835
2653	495	378	61,397	$8.44	$517,976
2655	36	29	4,698	$6.89	$32,363
2657	191	164	26,729	$7.23	$193,289
2671	78	62	10,044	$5.29	$53,135
2672	54	145	23,489	$5.10	$119,796
2673	183	49	7,938	$5.42	$43,000
2674	161	48	7,776	$7.18	$55,835
2676	163	52	8,424	$9.46	$79,724
2677	66	11	1,782	$6.74	$12,004
2678	71	1,925	312,815	$4.64	$1,452,488
2679	15	5	810	$6.17	$4,994
27	3,483	2,652	430,910	$7.68	$2,859,248
2711	1,360	97	15,714	$11.34	$178,221
2731	7	1,016	165,074	$6.01	$992,662
2732	12	8	1,296	$4.85	$6,281
2741	130	97	15,714	$7.41	$116,422
2752	1,422	1,016	165,074	$6.57	$1,084,808
2754	30	24	3,888	$6.71	$26,093
2759	231	179	29,159	$6.67	$194,584
2761	62	30	4,860	$7.68	$37,301
2782	198	166	27,053	$7.13	$192,887
2796	32	19	3,078	$9.74	$29,989
28	20,761	14,162	2,301,319	$10.77	$24,707,315
2813	117	74	11,988	$11.80	$141,437

TABLE 6. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	1996 Total Employment	Production Workers	1996 Total Hours Paid	Average Hourly Earnings 1996	1996 Wage Bill (SCENARIO 2)
2819	342	252	40,986	$9.02	$369,691
2821	29	22	3,564	$6.55	$23,330
2822	15	10	1,620	$5.32	$8,611
2833	1,870	1,268	206,059	$13.40	$2,760,579
2834	13,986	9,510	1,545,444	$10.96	$16,939,914
2835	1,208	945	153,572	$9.36	$1,437,851
2836	83	70	11,340	$9.45	$107,177
2841	145	92	14,904	$6.56	$97,752
2842	335	160	25,919	$7.56	$195,982
2844	1,185	905	147,093	$9.48	$1,393,977
2851	468	229	37,259	$6.80	$253,362
2865	39	22	3,564	$9.72	$34,634
2869	42	29	4,698	$7.84	$36,833
2873	152	85	13,770	$7.36	$101,320
2879	332	211	34,343	$12.76	$438,312
2891	259	180	29,321	$8.04	$235,840
2899	157	98	15,876	$8.23	$130,713
29	1,750	980	159,242	$11.63	$1,848,680
2911	880	495	80,512	$15.90	$1,279,843
2951	670	374	60,749	$7.38	$448,542
2952	82	47	7,614	$7.04	$53,609
2992	118	64	10,368	$6.43	$66,686
30	5,703	4,798	779,688	$6.62	$5,153,770
3021	1,634	1,522	247,368	$6.42	$1,587,957
3052	64	38	6,156	$5.62	$34,597
3069	770	695	112,911	$5.35	$604,497
3081	30	25	4,050	$6.03	$24,405
3082	13	9	1,458	$4.69	$6,844
3083	29	24	3,888	$6.28	$24,415
3084	219	148	23,975	$6.01	$144,175
3085	424	323	52,487	$7.95	$417,505
3086	232	115	18,630	$5.53	$103,047
3087	10	8	1,296	$4.92	$6,379
3088	66	45	7,290	$6.10	$44,484
3089	2,213	1,847	300,179	$7.18	$2,155,465
31	5,623	5,278	857,608	$5.53	$4,756,299
3131	681	663	107,728	$5.29	$569,911
3142	146	137	22,193	$4.68	$103,895
3143	779	709	115,179	$5.77	$664,860
3144	604	569	92,590	$6.18	$571,497
3149	2,460	2,332	378,909	$5.44	$2,062,228
3151	207	202	32,885	$4.63	$152,278
3161	25	18	2,916	$4.74	$13,835
3171	232	211	34,343	$4.50	$154,673
3172	488	447	72,574	$6.38	$463,122
32	5,105	3,783	614,776	$7.69	$4,422,616
3211	36	29	4,698	$5.11	$24,019
3221	497	433	70,306	$5.67	$398,700
3231	1,079	874	142,071	$7.12	$1,011,141
3241	695	464	75,328	$9.40	$708,142
3261	63	49	7,938	$4.95	$39,274
3269	32	26	4,212	$4.20	$17,687
3271	584	310	50,381	$5.18	$260,777
3272	686	528	85,858	$6.64	$569,674
3273	1,221	893	145,149	$8.31	$1,206,142
3274	29	20	3,240	$9.11	$29,512
3275	16	14	2,268	$3.58	$8,114
3281	115	102	16,524	$5.94	$98,106
3295	20	15	2,430	$5.14	$12,485
3296	33	27	4,374	$8.88	$38,843
33	693	512	83,266	$8.42	$678,728
3312	196	146	23,661	$6.32	$149,428
3317	9	7	1,134	$10.16	$11,523
3341	73	55	8,910	$6.17	$54,935
3351	25	16	2,592	$8.46	$21,933

TABLE 6. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	1996 Total Employment	Production Workers	1996 Total Hours Paid	Average Hourly Earnings 1996	1996 Wage Bill (SCENARIO 2)
3353	14	9	1,458	$6.61	$9,637
3354	219	167	27,215	$8.78	$238,927
3365	19	19	3,078	$5.24	$16,127
3398	21	18	2,916	$7.51	$21,900
3399	117	76	12,312	$12.53	$154,319
34	4,501	3,457	561,803	$6.75	$3,759,010
3411	520	430	69,820	$11.04	$770,629
3412	10	8	1,296	$6.53	$8,467
3421	13	9	1,458	$4.92	$7,177
3423	95	76	12,312	$6.27	$77,160
3429	10	8	1,296	$6.89	$8,928
3433	38	20	3,240	$5.73	$18,579
3441	142	111	17,982	$7.28	$130,944
3442	1,095	787	127,815	$5.47	$698,881
3443	207	148	23,975	$6.65	$159,383
3444	456	302	49,085	$5.86	$287,696
3446	233	211	34,343	$5.05	$173,408
3449	14	9	1,458	$5.38	$7,843
3452	226	180	29,321	$9.45	$277,130
3469	445	328	53,297	$6.25	$333,343
3471	265	211	34,343	$5.63	$193,450
3494	27	20	3,240	$8.01	$25,936
3495	32	28	4,536	$5.20	$23,593
3496	309	244	39,689	$5.92	$235,143
3498	64	58	9,396	$6.99	$65,679
3499	301	270	43,901	$5.82	$255,641
35	4,814	3,815	619,960	$7.98	$4,917,694
3535	132	112	18,144	$6.80	$123,376
3541	10	7	1,134	$7.76	$8,804
3544	208	154	24,947	$9.10	$226,928
3545	225	182	29,645	$6.75	$200,084
3555	121	99	16,038	$9.36	$150,155
3562	134	108	17,496	$14.45	$252,811
3563	30	22	3,564	$9.45	$33,684
3564	117	99	16,038	$6.53	$104,783
3568	28	27	4,374	$6.20	$27,134
3569	423	297	48,275	$6.86	$331,331
3571	103	76	12,312	$4.86	$59,822
3572	1,000	823	133,809	$7.56	$1,011,755
3577	973	817	132,837	$6.90	$916,773
3579	487	294	47,789	$11.65	$556,562
3585	619	528	85,858	$8.73	$749,399
3589	52	40	6,480	$7.18	$46,529
3592	87	85	13,770	$5.21	$71,798
3596	12	8	1,296	$4.25	$5,508
3599	55	38	6,156	$6.57	$40,454
36	20,776	17,440	2,833,962	$7.89	$22,295,225
3612	209	175	28,511	$5.91	$168,557
3613	3,650	3,249	527,946	$8.01	$4,226,324
3621	40	28	4,536	$13.56	$61,516
3624	501	408	66,256	$12.93	$856,538
3625	1,096	952	154,706	$7.88	$1,218,833
3629	192	158	25,595	$6.15	$157,488
3639	29	19	3,078	$4.99	$15,346
3641	596	477	77,434	$6.56	$507,887
3643	1,942	1,664	270,372	$8.50	$2,298,160
3644	376	294	47,789	$6.24	$298,288
3645	107	99	16,038	$7.85	$125,943
3646	4	2	324	$4.25	$1,377
3648	101	90	14,580	$5.09	$74,171
3651	398	347	56,375	$7.04	$396,937
3652	5	4	648	$4.74	$3,075
3661	1,602	1,438	233,599	$6.94	$1,621,070
3663	1,863	1,624	263,892	$7.98	$2,105,818
3669	982	817	132,837	$6.19	$822,399

TABLE 6. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES

SIC Number	1996 Total Employment	Production Workers	1996 Total Hours Paid	Average Hourly Earnings 1996	1996 Wage Bill (SCENARIO 2)
3672	196	169	27,539	$5.52	$151,980
3674	3,996	2,955	480,157	$9.22	$4,428,551
3677	272	243	39,527	$5.80	$229,169
3678	306	259	42,119	$6.19	$260,761
3679	856	667	108,375	$6.86	$743,828
3692	389	359	58,319	$7.66	$446,878
3694	1,069	944	153,410	$7.00	$1,074,331
37	1,055	786	127,653	$7.33	$929,519
3713	58	35	5,670	$6.41	$36,325
3714	349	288	46,817	$6.90	$323,107
3721	336	221	35,963	$8.65	$311,162
3728	198	154	24,947	$6.53	$162,996
3731	77	58	9,396	$7.50	$70,447
3732	33	27	4,374	$5.28	$23,084
3792	4	3	486	$4.94	$2,398
38	14,815	12,446	2,022,523	$7.68	$15,516,688
3812	541	465	75,490	$6.37	$480,772
3821	315	249	40,499	$7.75	$313,928
3822	696	616	100,114	$7.41	$741,738
3823	821	667	108,375	$8.53	$923,942
3824	144	131	21,222	$6.08	$128,960
3825	1,105	944	153,410	$6.85	$1,050,976
3829	85	71	11,502	$5.30	$60,994
3841	6,832	5,896	958,046	$7.89	$7,559,982
3842	2,216	1,730	281,063	$7.84	$2,203,622
3843	385	283	46,007	$9.93	$457,014
3844	79	61	9,882	$7.08	$69,954
3845	428	339	55,079	$9.07	$499,613
3851	1,057	916	148,875	$6.32	$940,576
3861	47	37	5,994	$6.86	$41,138
3873	66	43	6,966	$6.24	$43,479
39	3,263	2,731	443,708	$6.90	$3,056,493
3911	439	369	59,939	$7.18	$430,395
3914	76	68	11,056	$7.35	$80,916
3915	159	146	23,651	$8.60	$203,438
3942	14	8	1,296	$5.29	$6,856
3949	18	13	2,106	$5.09	$10,714
3951	19	18	2,916	$4.90	$14,279
3952	5	4	648	$6.52	$4,225
3953	31	23	3,726	$6.53	$24,344
3961	1,889	1,627	264,378	$6.76	$1,787,707
3965	22	16	2,592	$4.78	$12,397
3991	139	107	17,334	$10.16	$176,143
3993	178	114	18,468	$5.85	$108,008
3995	80	65	10,530	$5.40	$56,908
3999	195	155	25,109	$5.58	$140,163

TABLE 7. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
TOTAL	153,366	131,815	---	21,419,869	$150,021,039
723	9	7	$4.76	1,173	$5,581
74	18	15	$5.73	2,514	$14,415
751	3	1	$4.29	168	$719
78	72	67	$4.76	10,893	$51,824
1422	116	87	$5.86	14,077	$82,509
1429	63	56	$7.85	9,050	$71,067
1442	224	186	$7.02	30,166	$211,631
152	5,017	4,559	$6.05	740,899	$4,483,544
154	3,440	2,967	$7.45	482,146	$3,590,546
1611	1,059	975	$7.07	158,369	$1,119,102
1622	686	625	$6.58	101,557	$668,686
1623	306	260	$7.42	42,232	$313,429
1629	780	688	$8.45	111,780	$944,458
1711	1,322	1,175	$7.17	190,881	$1,368,216
1721	173	157	$5.85	25,473	$148,980
1731	2,091	1,871	$6.44	304,001	$1,959,221
1741	205	195	$6.03	31,674	$190,870
1742	256	243	$6.70	39,550	$264,928
1743	70	57	$6.47	9,217	$59,637
1751	9	5	$5.61	838	$4,699
1761	418	373	$5.51	60,666	$334,026
1791	22	17	$5.98	2,681	$16,022
1793	10	8	$5.09	1,341	$6,821
1794	343	293	$6.91	47,594	$329,077
1795	121	119	$8.25	19,272	$158,926
1796	189	107	$8.44	17,429	$147,041
1799	283	263	$6.24	42,734	$266,740
4111	4	4	$5.87	670	$3,938
4121	11	11	$4.61	1,843	$8,489
4131	32	30	$4.48	4,860	$21,765
4151	5	5	$8.88	838	$7,441
4210	1,056	955	$13.14	155,185	$2,039,639
4221	118	98	$15.93	15,921	$253,686
4222	35	27	$8.11	4,357	$35,323
4224	14	9	$7.59	1,508	$11,443
4225	70	66	$7.00	10,726	$75,111
4226	126	93	$6.39	15,083	$96,440
4422	20	4	$9.51	670	$6,378
4454	234	210	$12.32	34,188	$421,145
4459	19	15	$16.91	2,514	$42,511
4463	1,574	1,398	$20.92	227,247	$4,754,040
4469	45	40	$6.24	6,536	$40,795
4511	66	46	$15.14	7,541	$114,139
4521	276	264	$10.23	42,902	$438,690
4582	31	26	$6.17	4,190	$25,832
4583	624	526	$7.37	85,469	$629,983
4613	6	6	$16.39	1,006	$16,481
4712	38	26	$7.85	4,190	$32,901
4722	224	175	$8.18	28,490	$233,126
4723	99	87	$7.32	14,077	$103,048
4782	30	20	$9.53	3,184	$30,337
4821	89	70	$16.11	11,396	$183,609
4832	509	459	$7.85	74,576	$585,643
4833	694	588	$10.86	95,524	$1,037,364
4899	27	27	$4.97	4,357	$21,669
4923	15	11	$6.90	1,843	$12,723
4925	56	44	$8.11	7,206	$58,419

TABLE 7. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
4953	78	76	$6.29	12,401	$78,036
4971	12	12	$8.01	2,011	$16,099
5012	133	80	$6.47	13,072	$84,576
5013	234	203	$6.60	33,014	$217,797
5014	89	71	$6.04	11,563	$69,829
5021	63	55	$5.84	8,882	$51,834
5023	97	68	$6.29	11,061	$69,600
5031	38	33	$5.70	5,363	$30,548
5039	295	238	$5.90	38,712	$228,374
5041	9	8	$7.31	1,341	$9,797
5042	165	136	$6.18	22,121	$136,674
5043	150	114	$14.09	18,602	$262,192
5051	525	495	$6.53	80,441	$525,570
5063	338	239	$8.12	38,880	$315,682
5064	487	408	$9.72	66,364	$644,921
5065	110	89	$6.99	14,412	$100,747
5072	298	241	$6.41	39,215	$251,241
5074	213	172	$6.13	27,987	$171,493
5075	68	61	$11.52	9,888	$113,899
5078	28	19	$5.54	3,017	$16,724
5081	934	801	$12.56	130,215	$1,635,455
5082	63	47	$6.70	7,709	$51,639
5083	43	41	$5.20	6,703	$34,868
5084	753	617	$8.58	100,217	$859,469
5085	79	66	$8.06	10,726	$86,404
5086	15	387	$5.18	62,845	$325,292
5087	517	12	$7.50	2,011	$15,078
5093	85	69	$7.07	11,228	$79,344
5094	94	84	$12.83	13,574	$174,108
5099	113	100	$7.68	16,256	$124,770
5111	68	58	$6.47	9,385	$60,721
5112	83	77	$4.99	12,569	$62,667
5113	189	170	$8.03	27,652	$222,060
5122	2,623	2,087	$11.51	339,195	$3,903,016
5133	187	160	$5.56	25,976	$144,341
5134	23	15	$5.81	2,514	$14,606
5136	13	13	$6.37	2,179	$13,875
5137	268	226	$4.66	36,701	$170,881
5139	118	97	$5.76	15,753	$90,733
5141	3,332	2,807	$6.15	456,170	$2,806,806
5142	302	235	$6.84	38,210	$261,280
5143	39	34	$7.09	5,530	$39,220
5144	23	21	$4.69	3,352	$15,733
5145	90	73	$13.75	11,899	$163,633
5146	21	19	$6.56	3,017	$19,785
5147	210	180	$6.19	29,328	$181,568
5148	226	193	$5.99	31,339	$187,658
5149	333	289	$8.46	46,924	$397,069
5154	14	14	$5.96	2,346	$13,990
5161	518	320	$6.96	51,952	$361,840
5171	19	17	$8.60	2,681	$23,064
5172	562	457	$14.01	74,241	$1,039,813
5181	174	153	$9.46	24,803	$234,738
5191	139	116	$4.96	18,770	$93,106
5194	17	15	$4.81	2,514	$12,087
5198	74	67	$9.15	10,893	$99,639
5199	253	204	$7.68	33,182	$254,685

TABLE 7. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
5211	869	653	$4.94	106,082	$523,523
5231	144	105	$8.77	17,094	$149,851
5251	743	641	$5.29	104,239	$551,454
5261	47	43	$4.73	7,039	$33,307
5311	6,754	6,336	$7.09	1,029,650	$7,302,062
5331	235	222	$5.32	36,031	$191,529
5399	1,349	1,186	$4.94	192,724	$951,108
5411	11,775	10,495	$5.68	1,705,358	$9,692,540
5423	18	17	$8.78	2,681	$23,540
5462	204	185	$4.81	29,998	$144,236
5499	70	62	$4.63	10,055	$46,561
5511	819	663	$7.76	107,758	$836,652
5521	99	60	$5.46	9,720	$53,025
5531	982	857	$7.31	139,264	$1,017,668
5541	348	314	$4.99	50,946	$254,009
5611	1,228	1,075	$4.92	174,625	$859,571
5621	2,335	2,073	$4.87	336,848	$1,641,005
5631	41	38	$4.68	6,201	$29,028
5641	140	119	$4.81	19,272	$92,666
5651	1,649	1,450	$4.45	235,626	$1,049,240
5661	1,969	1,692	$5.15	275,009	$1,416,502
5699	176	153	$4.76	24,803	$117,998
5712	1,271	1,075	$5.79	174,625	$1,010,218
5713	19	17	$6.11	2,681	$16,396
5714	46	43	$4.40	7,039	$30,986
5719	158	93	$6.41	15,083	$96,631
5722	152	128	$5.98	20,781	$124,172
5732	147	124	$3.63	20,110	$72,968
5733	43	30	$6.95	4,860	$33,788
5810	7,770	6,778	$5.21	1,101,377	$5,742,776
5912	2,410	2,244	$6.38	364,668	$2,327,070
5921	26	21	$4.53	3,352	$15,180
5931	4	4	$4.58	670	$3,070
5941	396	331	$9.97	53,795	$536,426
5942	329	118	$7.08	19,105	$135,245
5943	211	189	$5.67	30,668	$173,917
5944	207	184	$5.94	29,830	$177,112
5945	87	57	$4.31	9,217	$39,758
5946	271	204	$5.09	33,182	$168,808
5947	173	126	$4.99	20,446	$101,938
5949	320	267	$4.62	43,405	$200,440
5962	47	34	$5.54	5,530	$30,660
5963	24	21	$4.25	3,352	$14,245
5984	220	191	$5.77	31,003	$178,964
5992	46	36	$4.95	5,866	$29,021
5999	483	382	$7.24	62,007	$449,180
6022	6,558	5,278	$7.59	857,706	$6,507,047
6023	3,354	2,589	$7.55	420,641	$3,175,215
6025	949	563	$10.39	91,502	$950,734
6028	617	453	$9.26	73,570	$681,349
6059	4	4	$5.49	670	$3,682
6122	2,545	1,871	$6.65	304,001	$2,020,929
6131	66	39	$9.13	6,368	$58,170
6142	42	34	$8.40	5,530	$46,447
6143	521	392	$6.08	63,683	$386,992
6144	13	9	$15.53	1,508	$23,421
6145	44	532	$7.37	86,475	$637,395

TABLE 7. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
6146	1,059	197	$6.79	32,009	$217,255
6153	266	40	$7.02	6,536	$45,853
6162	773	649	$7.24	105,412	$763,606
6211	226	113	$16.35	18,434	$301,459
6221	30	20	$33.43	3,184	$106,443
6311	678	497	$7.70	80,777	$622,040
6321	166	135	$8.53	21,954	$187,164
6324	1,255	1,020	$9.24	165,743	$1,530,771
6331	1,184	1,000	$9.82	162,559	$1,596,229
6351	5	3	$8.28	503	$4,165
6361	69	51	$8.02	8,212	$65,841
6371	11	9	$14.25	1,508	$21,488
6411	1,085	880	$9.30	142,951	$1,329,338
6510	601	519	$7.35	84,296	$619,197
6531	123	99	$7.76	16,088	$124,912
6552	168	153	$6.44	24,803	$159,848
6553	35	27	$6.61	4,357	$28,800
7011	7,155	6,295	$8.35	1,022,946	$8,539,313
7021	24	22	$6.05	3,519	$21,297
7210	452	407	$5.87	66,197	$388,831
7221	58	47	$4.85	7,709	$37,360
7231	417	253	$6.50	41,059	$266,697
7241	40	34	$7.32	5,530	$40,483
7251	32	24	$5.54	3,854	$21,369
7261	65	54	$6.57	8,714	$57,268
7267	13	9	$4.45	1,508	$6,716
7299	118	102	$8.16	16,591	$135,341
7311	697	483	$11.41	78,430	$894,516
7312	23	20	$6.76	3,184	$21,531
7319	65	50	$7.09	8,044	$57,047
7321	66	43	$10.56	7,039	$74,294
7339	11	9	$5.87	1,508	$8,859
7342	77	70	$4.88	11,396	$55,661
7349	1,971	1,826	$4.88	296,795	$1,449,645
7361	265	250	$5.76	40,556	$233,590
7362	4,533	4,471	$5.70	726,486	$4,138,262
7372	23	15	$9.34	2,514	$23,472
7374	160	132	$7.88	21,451	$168,999
7379	67	57	$16.75	9,217	$154,354
7392	434	365	$11.48	59,326	$681,137
7393	4,490	4,254	$4.76	691,293	$3,288,802
7394	293	237	$7.52	38,545	$289,978
7395	137	124	$6.00	20,110	$120,677
7397	35	19	$6.58	3,017	$19,862
7399	466	395	$6.85	64,186	$439,719
7512	506	429	$8.99	69,716	$627,079
7513	14	7	$5.05	1,173	$5,923
7523	244	224	$4.44	36,366	$161,477
7525	93	80	$4.36	13,072	$57,047
7531	28	22	$5.35	3,519	$18,841
7534	143	125	$7.62	20,278	$154,612
7535	4	3	$4.76	503	$2,392
7538	56	45	$4.67	7,374	$34,426
7539	119	106	$5.28	17,261	$91,099
7542	19	15	$5.02	2,514	$12,629
7549	7	6	$4.28	1,006	$4,299
7622	26	24	$4.95	3,854	$19,071

TABLE 7. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN NONMANUFACTURING INDUSTRIES

SIC Number	Total Employment	Production Workers	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
7623	118	97	$6.56	15,753	$103,324
7629	122	93	$6.93	15,083	$104,476
7631	9	8	$5.14	1,341	$6,889
7641	22	21	$5.04	3,352	$16,881
7692	26	22	$5.65	3,519	$19,868
7694	105	95	$11.37	15,418	$175,258
7699	63	56	$7.02	9,050	$63,489
7813	33	21	$7.75	3,352	$25,981
7814	43	36	$15.97	5,866	$93,686
7823	171	150	$5.71	24,300	$138,728
7832	253	207	$4.48	33,685	$150,853
7833	14	12	$3.88	2,011	$7,807
7911	13	8	$5.61	1,341	$7,518
7929	6	3	$11.04	503	$5,549
7933	28	25	$4.63	4,022	$18,625
7941	8	8	$7.99	1,341	$10,716
7948	361	323	$6.80	52,454	$356,691
7993	52	44	$5.40	7,206	$38,946
7997	69	60	$6.00	9,720	$58,327
7999	277	229	$5.70	37,204	$211,925
8011	706	617	$6.01	100,217	$602,646
8021	108	101	$6.14	16,423	$100,845
8031	5	5	$7.27	838	$6,091
8049	56	45	$9.03	7,374	$66,606
8059	138	113	$6.61	18,434	$121,846
8062	10,825	9,741	$6.10	1,582,852	$9,658,942
8063	310	279	$8.41	45,416	$382,002
8069	546	506	$6.53	82,285	$537,615
8071	436	372	$6.76	60,499	$409,088
8072	32	28	$5.25	4,525	$23,765
8081	144	132	$8.74	21,451	$187,505
8091	402	372	$7.35	60,499	$444,394
8111	1,132	1,008	$12.79	163,732	$2,093,812
8321	389	340	$9.67	55,303	$534,628
8331	268	259	$4.25	42,064	$178,773
8351	325	279	$6.00	45,416	$272,529
8361	595	224	$5.40	36,366	$196,540
8399	629	629	$4.74	102,228	$485,047
8411	30	17	$4.94	2,681	$13,233
8611	94	78	$7.10	12,737	$90,487
8621	403	337	$6.27	54,801	$343,445
8631	67	56	$8.74	9,050	$79,103
8641	351	302	$5.67	49,103	$278,457
8661	127	121	$5.38	19,608	$105,471
8699	22	18	$5.87	2,849	$16,734
8811	18	18	$3.86	2,849	$10,988
8911	461	347	$7.98	56,309	$449,337
8931	515	441	$13.09	71,727	$939,087
8922	182	163	$8.21	26,479	$217,342
5431	11	11	$4.25	1,843	$7,835

TABLE 8. EMPLOYMENT AND AVERAGE HOURLY EARNINGS FOR SELECTED MUNICIPALITIES

Municipality	Total Employment	Non Supervisory Employees	Average Hourly Earnings	Total Hours	1996 Wage Bill (SCENARIO 2)
TOTAL	43,632	38,814	$4.69	6,307,352	$29,364,835
ADJUNTAS	201	83	$4.54	13,560	$61,588
AGUADA	262	251	$4.74	40,844	$193,797
AGUADILLA	522	376	$4.71	61,103	$287,595
AGUAS BUENAS	203	119	$4.66	19,279	$89,760
AIBONITO	197	88	$4.74	14,377	$68,217
ANASCO	232	176	$4.73	28,591	$135,295
ARECIBO	897	501	$4.39	81,362	$357,143
ARROYO	166	160	$4.49	25,977	$116,664
BARCELONETA	305	240	$4.66	39,047	$181,803
BARRANQUITAS	214	150	$4.66	24,343	$113,341
BAYAMON	3,032	11,951	$4.41	1,942,068	$8,574,087
CABO ROJO	381	191	$4.87	31,042	$151,224
CAGUAS	1,747	1,327	$4.54	215,658	$979,475
CAMUY	247	128	$4.96	20,749	$102,924
CANOVANAS	303	200	$5.63	32,512	$183,135
CAROLINA	2,046	1,113	$4.78	180,859	$865,018
CATANO	518	402	$0.00	65,351	$0
CAYEY	295	205	$5.02	33,329	$167,441
CEIBA	152	109	$5.15	17,645	$90,884
CIALES	168	136	$4.61	22,056	$101,573
CIDRA	274	179	$4.68	29,081	$136,139
COAMO	255	86	$4.43	14,050	$62,210
COMERIO	260	97	$5.28	15,684	$82,775
COROZAL	190	165	$4.67	26,794	$125,092
CULEBRA	100	23	$4.78	3,758	$17,972
DORADO	319	174	$5.32	28,264	$150,244
FAJARDO	478	411	$0.00	66,821	$0
FLORIDA	175	105	$4.76	16,991	$80,835
GUANICA	179	155	$4.94	25,160	$124,167
GUAYANA	362	294	$4.69	47,706	$223,934
GUAYANILLA	176	175	$5.43	28,428	$154,358
GUAYNABO	1,637	1,275	$4.62	207,163	$956,659
GURABO	197	152	$4.83	24,670	$119,244
HATILLO	282	242	$4.63	39,374	$182,325
HORMINGUEROS	248	116	$4.96	18,788	$93,199
HUNACAO	891	357	$5.02	57,999	$291,380
ISABELA	480	487	$4.41	79,075	$349,109
JAYUYA	152	130	$4.83	21,076	$101,871
JUANA DIAZ	236	181	$4.82	29,408	$141,773
JUNCOS	176	122	$4.49	19,769	$88,782
LAJAS	175	77	$5.79	12,580	$72,777
LARES	295	245	$4.74	39,864	$189,146
LAS MARIAS	142	128	$4.78	20,749	$99,239
LAS PIEDRAS	233	178	$4.96	28,918	$143,445
LOIZA	466	169	$4.45	27,447	$122,223
LUQUILLO	219	202	$4.76	32,839	$156,230
MANATI	513	402	$0.00	65,351	$0
MARICAO	164	85	$4.58	13,887	$63,601
MAUNABO	182	116	$4.72	18,788	$88,670
MAYAGUEZ	1,530	985	$4.71	160,110	$753,592
MOCA	231	133	$5.15	21,566	$111,080
MOROVIS	237	185	$4.86	30,061	$146,067
NAGUABO	203	163	$4.95	26,467	$130,953
NARANJITO	317	158	$5.20	25,650	$133,420
OROCOVIS	298	159	$4.54	25,814	$117,240
PATILLAS	208	122	$4.64	19,769	$91,792

TABLE 8. EMPLOYMENT AND AVERAGE HOURLY EARNINGS FOR SELECTED MUNICIPALITIES

Municipality	Total Employment	Non Supervisory Employees	Average Hourly Earnings	Total Hours	1996 Wage Bill (SCENARIO 2)
PENUELAS	2,274	123	$4.86	19,932	$96,849
PONCE	1,948	929	$4.90	150,961	$739,257
QUEBRADILLAS	237	161	$0.00	26,140	$0
RINCON	209	178	$4.44	28,918	$128,404
RIO GRANDE	271	244	$4.87	39,701	$193,408
SABANA GRANDE	196	162	$4.68	26,304	$123,137
SALINAS	243	206	$4.54	33,492	$152,115
SAN GERMAN	325	213	$4.86	34,636	$168,295
SAN JUAN	9,056	7,238	$5.71	1,176,155	$6,714,614
SAN LORENZO	212	183	$4.44	29,735	$132,031
SAN SEBASTIAN	343	273	$4.68	44,439	$208,033
SANTA ISABEL	195	173	$4.76	28,101	$133,689
TOA ALTA	212	206	$4.88	33,492	$163,588
TOA BAJA	819	472	$4.71	76,624	$360,648
TRUJILLO ALTO	453	161	$5.14	26,140	$134,311
UTUADO	254	196	$4.47	31,859	$142,270
VEGA ALTA	211	177	$4.91	28,754	$141,176
VEGA BAJA	522	433	$4.71	70,416	$331,427
VIEQUES	259	145	$4.67	23,526	$109,836
VILLIALBA	185	143	$4.87	23,200	$113,020
YABUCOA	347	227	$4.66	36,923	$171,914
YAUCO	293	235	$4.82	38,230	$184,304

TABLE 9. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN STATE GOVERNMENT AGENCIES

Agencies	Total Employ-ment	Non Supervisory Employees	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
Total	166,522	56,473	$5.18	9,176,814	$47,457,133
1	397	266	$6.04	43,171	$260,702
2	2,416	925	$4.92	150,275	$739,711
3	23	13	$6.32	2,142	$13,533
4	261	43	$5.48	6,921	$37,929
5	316	119	$5.62	19,279	$108,349
6	10	4	$5.53	659	$3,646
7	4	1	$4.25	165	$700
8	133	44	$5.79	7,085	$40,989
9	262	97	$5.24	15,818	$82,881
10	5,267	636	$5.48	103,314	$566,222
11	1,384	343	$5.54	55,694	$308,769
12	1,438	559	$5.33	90,791	$483,767
13	459	235	$5.66	38,228	$216,301
14	68,259	22,914	$4.58	3,723,585	$17,053,466
15	224	57	$4.73	9,227	$43,665
16	1,859	196	$5.62	31,802	$178,730
17	2,467	1,022	$5.37	166,093	$891,326
18	1,562	908	$4.96	147,474	$731,535
19	10,882	4,432	$4.97	720,232	$3,581,808
20	1,744	1,199	$4.83	194,764	$941,408
21	184	70	$5.71	11,369	$64,908
22	4,227	1,759	$5.14	285,885	$1,468,892
23	4,926	2,256	$5.67	366,624	$2,079,089
24	368	117	$7.13	18,949	$135,104
25	55	29	$6.86	4,778	$32,797
26	474	214	$5.38	34,768	$187,018
27	4,650	2,408	$4.90	391,341	$1,916,401
28	37	10	$7.80	1,648	$12,856
29	120	42	$5.37	6,756	$36,254
30	273	133	$5.49	21,586	$118,575
31	32	8	$6.80	1,318	$8,964
32	159	38	$6.53	6,097	$39,833
33	11	6	$7.93	989	$7,839
34	183	98	$5.77	15,983	$92,261
35	587	238	$6.19	38,722	$239,730
36	378	2	$6.10	330	$2,011
37	322	27	$7.05	4,449	$31,382
38	3,635	2,607	$6.60	423,637	$2,794,736
39	45	12	$5.34	1,977	$10,561
40	386	68	$5.98	11,040	$65,968
41	93	28	$5.68	4,614	$26,222
42	47	17	$5.32	2,801	$14,890
43	88	15	$4.82	2,472	$11,915
44	77	33	$4.85	5,438	$26,352
45	3,293	1,368	$8.96	222,281	$1,990,912
46	102	26	$5.34	4,284	$22,882
47	56	34	$5.94	5,602	$33,263
48	19	10	$5.14	1,648	$8,466
49	370	119	$5.63	19,279	$108,594
50	29	11	$5.98	1,813	$10,831
51	51	21	$5.30	3,460	$18,350
52	18	6	$6.38	989	$6,309
53	1,538	1,318	$6.22	214,208	$1,331,603
54	20,856	6,991	$5.44	1,135,959	$6,182,498

TABLE 9: EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN STATE GOVERNMENT AGENCIES

Agencies	Total Employ-ment	Non Supervisory Employees	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
55	25	9	$5.72	1,483	$8,485
56	372	127	$5.47	20,597	$112,622
57	15,109	1,189	$5.29	193,281	$1,022,515
58	179	85	$5.32	13,841	$73,575
59	505	158	$5.89	25,705	$151,314
60	214	113	$5.49	18,290	$100,472
61	596	225	$5.47	36,580	$200,016
62	869	173	$4.78	28,177	$134,764
63	704	87	$5.96	14,171	$84,495
64	820	130	$5.72	21,091	$120,676
65	30	13	$5.66	2,142	$12,120
66	40	10	$7.51	1,648	$12,375

TABLE 10. EMPLOYMENT AND AVERAGE HOURLY EARNINGS IN PUBLIC ORGANIZATIONS OF PUERTO RICO

Public Organizations	Total Employment	Non Supervisory Employment	Average Hourly Earnings 1996	Total Hours Paid	1996 Wage Bill (SCENARIO 2)
TOTAL	36,730	21,292	$8.14	3,459,945	$28,166,040
1	601	306	$10.97	49,762	$546,083
2	18	6	$6.55	989	$6,472
3	17	11	$5.10	1,813	$9,244
4	478	8	$4.97	1,318	$6,556
5	2,773	1,431	$7.61	232,498	$1,769,757
6	22	20	$5.30	3,296	$17,476
7	427	282	$6.50	45,807	$297,543
8	71	45	$5.44	7,250	$39,459
9	1,482	1,353	$7.81	219,810	$1,717,798
10	4	2	$5.75	330	$1,894
11	28	10	$7.57	1,648	$12,480
12	1,318	937	$9.25	152,252	$1,408,105
13	11	1	$6.32	165	$1,041
14	7,194	5,963	$8.65	969,042	$8,384,381
15	1,246	790	$7.07	128,360	$907,043
16	254	80	$6.44	13,017	$83,893
17	72	6	$8.51	989	$8,416
18	1,942	1,331	$7.88	216,350	$1,704,479
19	1,461	1,063	$9.48	172,684	$1,636,505
20	114	17	$6.77	2,801	$18,977
21	192	68	$5.09	11,040	$56,164
22	46	5	$4.69	824	$3,867
23	7,902	4,077	$10.04	662,560	$6,648,842
24	44	13	$5.71	2,142	$12,229
25	94	44	$10.06	7,085	$71,282
26	390	86	$7.76	14,006	$108,744
27	4,603	1,280	$4.81	207,946	$999,848
28	1,034	698	$4.90	113,365	$555,151
29	1,163	735	$4.95	119,462	$591,069
30	1,728	624	$5.34	101,337	$541,243

[FR Doc. 92-245 Filed 1-7-92; 8:45 am]
BILLING CODE 4510-27-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300235A; FRL-3947-2]

RIN 2070-AB78

Definitions and Interpretations; Lettuce, Head Lettuce, and Leaf Lettuce

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document amends 40 CFR 180.1(h) to add EPA's interpretations for the application of tolerances and exemptions from the requirement of a tolerance established for pesticide chemicals in or on the raw agricultural commodities lettuce, head lettuce, and leaf lettuce. The amendments to 40 CFR 180.1(h) are based, in part, on recommendations of the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: This regulation becomes effective January 8, 1992.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 28, 1991 (56 FR 42579), EPA issued a proposed rule, in part pursuant to a request from the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, to amend 40 CFR 180.1(h) to specify that the general commodities lettuce, leaf lettuce, and head lettuce should be interpreted for tolerance purposes to include the corresponding specific commodities listed below.

There were no comments received in response to the proposed rule.

The data submitted by IR-4 and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the general commodities lettuce, head lettuce, and leaf lettuce should be interpreted to include the corresponding specific commodities listed below.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Although this regulation does not establish or raise a tolerance level or establish an exemption from the requirement of a tolerance, the impact of the regulation would be the same as establishing new tolerances or exemptions from the requirement of a tolerance. Therefore, the Administrator concludes that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 24, 1991.

Douglas D. Campt,
Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1(h) is amended in the table therein by adding and alphabetically inserting the general commodities in column "A" and the corresponding specific commodities in column "B" to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
* * *	* *
Lettuce	Lettuce, head; and lettuce, leaf
Lettuce, head	Lettuce, head; crisphead varieties only
Lettuce, leaf	Lettuce, leaf; cos (romaine), butterhead varieties
* * *	* *

* * * * *

[FR Doc. 92-180 Filed 1-7-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 43 and 63

[CC Docket No. 90-337; FCC 91-401]

Common Carrier Services: In the Matter of Regulation of International Accounting Rates

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On December 12, 1991, the Commission adopted a Report and Order that requires that U.S. carriers permit resale of international private lines for the provision of basic telecommunications services between the United States and foreign countries that afford equivalent resale opportunities. This decision will increase competition in the international telecommunications market, increasing customer choice and bringing the collection and accounting rates for international telecommunications services closer to cost.

EFFECTIVE DATE: April 7, 1992.

FOR FURTHER INFORMATION CONTACT: John Copes, Attorney/Advisor or Michael A. Mandigo, Attorney/Advisor, International Policy Division, Common Carrier Bureau, (202) 632-3214.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order adopted December 12, 1991, and released December 23, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1114 21st St., NW., Washington, DC 20036.

Public reporting burden for collections of information are as follows: 1 hour average burden per response for § 43.51(a); and 3 hours average burden per response for § 63.01(k)(5). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspect of the collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information Resources Branch, room 416, Paperwork Reduction Project (3060-0454), Washington, DC

20554 and to the Office of Management and Budget, Paperwork Reduction Project (3060–0454), Washington, DC 20503.

OMB Number: (3060–0454).

Title: Regulation of International Accounting Rates (CC Docket No. 90–337–Phase II).

Action: New collection.

Respondents: Businesses or other for profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 110 responses; 240 hours total; 2.18 hours average burden per response.

Needs and Uses: The Report and Order reforms existing regulation of Certificates granted under section 214 of the Communications Act to increase opportunities for new entrants in the international telecommunications services market and to promote the implementation of lower, more economically efficient, cost-based international accounting rates and reductions in international calling prices.

Summary of Report and Order. In the Report and Order, the Commission adopted a policy governing resale of international private lines for the provision of a basic telecommunication service. In its decision, the Commission:

(1) Requires that U.S. carriers permit resale of their private lines between the United States and those overseas points that afford equivalent opportunities for resale;

(2) Provides that an applicant will receive certification under Section 214 of the Communications Act of 1934 to resell private lines for the provision of a basic telecommunications service between the United States and another country if it can demonstrate that the country affords equivalent resale opportunities;

(3) Requires U.S. carriers to include in their international private-line tariffs language to inform users that, if the user wishes to resell the international private line for the provision of a basic telecommunications service, the user must obtain certification from the Commission and must show that the country to which it wishes to resell the international private line affords equivalent resale opportunities; and

(4) Requires U.S. carriers to notify the Commission of all arrangements to interconnect international private lines to the public switched network in the United States.

Ordering Clauses: Accordingly, *It Is Ordered* That pursuant to authority contained in sections 1, 4, 201–205, 211, 214, 218–220, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–205, 211, 214, 218–220, and 303, parts 43 and 63 of the Commission's Rules, 47 CFR parts 43 and 63 *Are Amended* As set forth below.

It Is Further Ordered That the policies, rules, and requirements set forth herein ARE ADOPTED.

It Is Further Ordered That U.S. carriers shall amend their tariffs within ten (10) days after publication of this decision in the **Federal Register.**

It Is Further Ordered That all other provisions in this First Report and Order will be effective February 6, 1992.

It Is Further Ordered That the Chief, Common Carrier Bureau is delegated to act on matters pertaining to implementation of the policies, rules, and requirements as set forth herein.

For further information on this item contact John Copes, Attorney/Advisor, International Policy Division, Common Carrier Bureau, (202) 632–3214.

List of Subjects

47 CFR Part 43

Communication common carriers, Reporting and recordkeeping requirements, Telegraph, Telephone.

47 CFR Part 63

Contents of Applications, Reporting and Recordkeeping requirements, Telegraph, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Title 47 of the Code of Federal Regulations, parts 43 and 63, are amended as follows:

PART 43—[AMENDED]

1. The authority citation for part 43 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

2. Section 43.51 is amended by revising paragraph (a) to read as follows:

§ 43.51 Contracts and Concessions.

(a) Any communications common carrier engaged in domestic or foreign communications, or both, which has not been classified as non-dominant pursuant to § 61.3 of the Commission's Rules, 47 CFR 61.3, is not treated under the regulatory forbearance policies established by the Commission, and which enters into a contract with another carrier, including an operating agreement with a communications entity in a foreign point for the provision of a common carrier service between the United States and that point, must file with the Commission, within thirty (30) days of execution, a copy of each contract, agreement, concession, license, authorization, operating agreement or other arrangement to which it is a party and amendments thereto with respect to the following:

(1) The exchange of services;

(2) Except as provided in paragraph (c) of this section, the interchange or routing of traffic and matters concerning rates, accounting rates, division of tolls, or the basis of settlement of traffic balances;

(3) The interconnection of a private line to the United States' public switched network when such private line is used for foreign communications; and

(4) The rights granted to the carrier by any foreign government for the landing, connection, installation, or operation of cables, land lines, radio stations, offices, or for otherwise engaging in communication operations.

* * * * *

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: Sec. 4, 48 Stat 1066, as amended 47 U.S.C. 154. Interpret or apply sec. 214, 48 Stat. 1075, as amended; 47 U.S.C. 214.

2. Section 63.01 is amended by adding paragraph (k)(5) to read as follows:

§ 63.01 Contents of Applications.

* * * * *

(k) * * *

(5) The procedures set forth in this subsection are subject to Commission policies on resale of international private lines in CC Docket No. 90–337. If proposed facilities are to be acquired through the resale of private lines for the purpose of providing international services, applicant shall demonstrate for each country to which it seeks to provide service that that country affords resale opportunities equivalent to those available under U.S. law. In this regard, applicant shall:

(i) State whether the Commission has previously determined that equivalent resale opportunities exist between the United States and the subject country; or

(ii) Include other evidence demonstrating that equivalent resale opportunities exist between the United States and the subject country, including any relevant bilateral agreements between the administrations involved. Parties may address such issues as:

(A) licensing;
(B) tariffing; and
(C) other terms and conditions associated with the provision of service.

* * * * *

[FR Doc. 92-57 Filed 1-7-92; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 525

[APD 2800.12A CHGE 33]

General Services Administration Acquisition Regulation; Threshold for Application of Trade Agreements Act

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), chapter 5 (APD 2800.12A), is amended to revise section 525.402 to provide the new dollar threshold required for the applicability of the Trade Agreements Act of 1979 as authorized by the U.S. Trade Representative under Executive Order 12260. The intended effect is to provide guidance to GSA contracting activities and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Edward McAndrew, Office of GSA Acquisition Policy (VP), (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it merely reflects the U.S. Trade Representative's determination to change the threshold for applicability of the Trade Agreements Act of 1979 in accordance with Executive Order 12260.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because the proposed policy was not required to be published in the **Federal Register**.

D. Paperwork Reduction Act

This rule does not contain information collection requirements that require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 525

Government procurement.

Accordingly, 48 CFR part 525 is amended to read as follows:

1. The authority citation for 48 CFR part 525 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Paragraph (a) of section 525.402 is revised to read as follows:

525.402 Policy.

(a) Under FAR 25.402(a), when the estimated value of all items or products (exclusive of any item or product within any of the exceptions described in FAR 25.403) listed in the solicitation exceeds the Trade Agreements Act threshold, contracting officers shall evaluate offers without regard to the restrictions of the Buy American Act or the Balance of Payments Program. The Trade Agreements Act threshold is $176,000.

* * * * *

Dated: December 26, 1991.

Ida M. Ustad,

Acting Associate Administrator for Acquisition Policy.

[FR Doc. 92-288 Filed 1-7-92; 8:45 am]

BILLING CODE 6820-61-M

Proposed Rules

Federal Register
Vol. 57, No. 5
Wednesday, January 8, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-13-AD]

Airworthiness Directives; Airbus Industrie Model A310, A320, and A300-600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: This notice revises an earlier proposed airworthiness directive (AD), applicable to certain Airbus Industrie Model A310, A320, and A300-600 series airplanes, which would have required the replacement of certain Puritan Bennett passenger emergency oxygen container door latch seals with modified seals, and testing of these units for correct operation. That proposal was prompted by reports of the passenger emergency oxygen masks failing to deploy due to a malfunction of the oxygen container doors. This action revises the proposed rule by adding one airplane to the AD applicability, and by citing the latest service bulletin revisions as the appropriate sources of service information. The actions specified by this proposed AD are intended to prevent passengers from being unable to receive oxygen during an emergency situation.

DATES: Comments must be received by February 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-13-AD, 1601 Lind Avenue SW., Renton, Washington, 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2140; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-13-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention Rules Docket No. 91-NM-13-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend Part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to certain Airbus Industrie Model A310, A320, and A300-600 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on February 20, 1991 (56 FR 6812). That NPRM would have required the replacement of certain Puritan Bennett passenger emergency oxygen container door latch seals with modified seals, and to test these units for correct operation. That NPRM was prompted by reports of the passenger emergency oxygen masks failing to deploy due to a malfunction of the oxygen container doors. That condition, if not corrected, could have resulted in passengers being unable to receive oxygen during an emergency situation.

Since the issuance of that NPRM, Airbus Industrie has issued Revision 2 to Service Bulletins A310-35-2002 and A300-35-6001, both dated April 30, 1991; and Revision 1 to Service Bulletin A320-35-1002, dated December 8, 1990. These service bulletins include additional airplanes in their effectivity, one of which is of U.S. registry. The French Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, has classified these service bulletins as mandatory, and has issued French Airworthiness Directives 90-108-012(B)R1 and 90-135-113(B)R1 to include the additional airplanes.

Since the unsafe condition addressed by this rulemaking action is also likely to exist or develop in the additional airplanes identified, the FAA has determined that it is necessary to revise the proposal to include the U.S.-registered airplane in the applicability of the proposed rule. The inclusion of this additional airplane is achieved by specifying the latest revision of the applicable Airbus service bulletin in the applicability statement of the rule. The latest revision of the service bulletin is also cited throughout the rule as an appropriate source of service information.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional time for public comment.

The paragraph designations of the proposal have been restructured to be

consistent with the standard Federal Register style.

Paragraph (b) of the proposal has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

It is estimated that 43 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts will be supplied to the operators at no cost. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $9,460.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 91-NM-13-AD.

Applicability: Model A310, A320, and A300-600 series airplanes, as listed in Airbus Industrie Service Bulletins A310-35-2002, Revision 2, dated April 30, 1991; A320-35-1002, Revision 1, dated December 3, 1990; and A300-35-6001, Revision 2, dated April 30, 1991; certified in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent passengers from being unable to receive oxygen during an emergency situation, accomplish the following:

(a) Within 90 days after the effective date of this AD, replace Puritan Bennett passenger emergency oxygen container door latch seals with modified seals, and test all units for correct operation, in accordance with Airbus Industrie Service Bulletins A310-35-2002, Revision 2, dated April 30, 1991 (for the Model A310); A320-35-1002, Revision 1, dated December 3, 1990 (for the Model A320); and A300-35-6001, Revision 2, dated April 30, 1991 (for the Model A300-600).

Note: The Airbus Industrie Service Bulletins reference several Puritan Bennett Service Bulletins for additional instructions.

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-340 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-216-AD]

Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to Boeing Model 707 and 720 series airplanes, which would require that all landing gear brakes be inspected for wear and replaced if the wear limits prescribed in this amendment are not met, and that the new wear limits be incorporated into the FAA-approved maintenance inspection program. This proposal is prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway. An investigation revealed that eight out of ten brakes were near the maximum allowable wear limits before the RTO and were unable to absorb the required RTO energy, thus contributing to the accident. This condition, if not corrected, could result in loss of brake effectiveness during a high energy RTO and cause further incidents/accidents.

DATES: Comments must be received no later than February 25, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-216-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Herron, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2672. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of

the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-216-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-216-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

In 1988, a McDonnell Douglas DC-10 series airplane was involved in an aborted takeoff accident in which eight of the ten brakes failed and the airplane ran off the end of the runway. Investigation revealed that there were O-rings damaged by over-extension due to extensive wear on each of the eight brakes. Fluid leaking from the over-extended pistons caused the hydraulic fuses to close, releasing all brake pressure.

This accident prompted a review of the methodology used in the determination of the allowable wear limits for all transport category airplane brakes. Worn brake rejected takeoff (RTO) dynamometer testing and analysis were conducted for the Model DC-10 series brakes and a new set of reduced allowable wear limits were established; the use of these limits for the Model DC-10 is required by AD 90-01-01, Amendment 39-6431 (54 FR 53048, December 27, 1989).

The FAA and the Aerospace Industries Association (AIA) worked together to develop a set of dynamometer test guidelines that could be used to validate appropriate wear limits for all airplane brakes. The final test guidelines were sent from the FAA to the AIA on March 2, 1990. It should be noted that this worn-brake accountability determination validates brake wear limits with respect to brake energy capacity only and is not meant to account for any reduction in brake force due solely to the wear state of the brake. Any reduction in brake force (or torque) that may develop over time as a result of brake wear is to be evaluated and accounted for as part of a separate rulemaking project. The guidelines for validating brake wear limits allow credit for use of reverse thrust to determine energy level absorbed by the brake during the dynamometer test.

The FAA has requested that U.S. airframe manufacturers (1) determine required adjustments in allowable wear limits for all of its brakes in use, (2) schedule dynamometer testing to validate wear limits as necessary, and (3) submit information from items (1) and (2) to the FAA so that appropriate rulemaking action(s) can be initiated. Boeing Commercial Airplane Group has submitted, and the FAA has evaluated, a series of dynamometer test data and analyses concerning brakes installed on the Model 707 and 720 series airplanes.

Based on this data, the FAA has determined that the brake wear limits currently recommended in the Component Maintenance Manuals for the Model 707 and 720 series airplanes are not acceptable as they relate to the effectiveness of the brakes during a high energy RTO. Further, these limits are only recommended values. The FAA has determined that the following criteria for the Model 707 and 720 brakes, specifically the new maximum brake wear limits indicated in the last column, are necessary:

Brake mfr.	Brake P/N	Boeing P/N	Max. wear limit
Bendix	150550	10-3072-1, -11	0.60 inch.
Bendix	2601775	None	0.70 inch.
BFGoodrich	2-756-2	10-60228-1	0.51 inch.
BFGoodrich	2-784-1	10-3379-11	0.35 inch.
BFGoodrich	2-991	10-60228-6	0.51 inch.
ABS	9560569	10-60616-1	0.528 inch.

Since this condition is likely to exist or develop on airplanes of this type design, an AD is proposed which would require (1) inspection of Model 707 and 720 landing gear brakes for wear, and replacement if the new wear limits are not met, and (2) incorporation of specific maximum wear limits into the FAA-approved maintenance inspection program.

There are approximately 336 Model 707 and 720 series airplanes of the affected design in the worldwide fleet. It is estimated that 97 airplanes of U.S. registry and 6 operators would be affected by this AD. For 43 airplanes of U.S. registry, it would take approximately 29.5 work hours per airplane to accomplish the required actions; and for 54 airplanes of U.S. registry, it would take approximately 66 work hours per airplane to accomplish the required actions. The average labor cost would be $55 per work hour.

In addition, it is estimated that the cost of parts to accomplish the change in wear limits to 72 of these airplanes (cost resulting from the requirement to change brakes before they are worn to their previously approved limits for a one-time change) is estimated to be an average of $8,190 per airplane. The cost for parts for 25 other airplanes is estimated to be $11,050 per airplane.

Further, it is estimated that it will require 20 work hours per operator, at an average labor cost of $55 per work hour, to incorporate the requirements into an operator's FAA-approved maintenance inspection program.

Based on the figures discussed above, the total cost impact of the AD on U.S. operators is estimated to be $1,138,318.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the

criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. 91-NM-216-AD.

Applicability: Model 707 and 720 series airplanes, equipped with brake part numbers (P/N) identified in paragraph (a) of this AD, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent the loss of main landing gear braking effectiveness, accomplish the following:

(a) Within 180 days after the effective date of this AD, accomplish the following:

(1) Inspect the main landing gear brakes, having brake part numbers shown below, for wear. Any brake worn more than the maximum wear limit specified below must be replaced, prior to further flight, with a brake within that limit.

Brake mfr.	Brake P/N	Boeing P/N	Max. wear limit
Bendix	150550	10-3072-1, -11	0.60 inch.
Bendix	2601775	None	0.70 inch.
BFGoodwich	2-756-2	10-60228-1	0.51 inch.
BFGoodwich	2-784-1	10-3379-11	0.35 inch.
BFGoodwich	2-991	10-60228-8	0.51 inch.
ABS	9560569	10-60818-1	0.528 inch.

(2) Incorporate the maximum brake wear limits specified in paragraph (a)(1) of this AD into the FAA-approved maintenance inspection program.

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-336 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-70-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: This notice revises an earlier proposed airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes, which would have superseded an existing AD that currently requires inspection, repair if necessary, and modification of certain fuselage frames. That proposal would have reduced the threshold for the required initial inspection. That proposal was prompted by reports of cracking on airplanes that had accumulated less than the current threshold of 40,000 cycles. This condition, if not corrected, could result in loss of structural integrity of the fuselage that could result in airplane depressurization. This action revises the proposed rule by revising the service information to cite a later revision to the referenced service bulletin and expanding the area of the proposed modification.

DATES: Comments must be received no later than February 10, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-70-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2772. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

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

Docket Number 91-NM-70-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this Supplemental NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-70-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On March 9, 1990, the FAA issued AD 90-06-16, Amendment 39-6545 (55 FR 10048, March 19, 1990), applicable to Boeing Model 727 airplanes, to require inspection, repair if necessary, and modification of certain fuselage frames. That action was prompted by reports of fatigue cracking in certain fuselage frames on airplanes that had accumulated less than 40,000 flight cycles. This condition, if not corrected, could result in loss of structural integrity in the fuselage and lead to airplane depressurization.

Subsequent to the issuance of that AD, the FAA received reports of cracks in fuselage frames of airplanes that had accumulated between 28,000 and 40,000 flight cycles. Therefore, the FAA issued a proposal to supersede AD 90-06-16 with a new airworthiness directive that would reduce the threshold for the initial inspection. That proposal was published in the **Federal Register** on April 26, 1991 (56 FR 19328).

Since issuance of that proposal, the manufacturer has advised the FAA that it has developed a modification of the fuselage frame at Stringer (S)-28 which, if accomplished, would eliminate the need for the currently required inspections of that area. The FAA has reviewed and approved Boeing Alert Service Bulletin 727-53A0195, Revision 1, dated September 19, 1991, which includes procedures for performing this modification of the fuselage frame at S-28.

The FAA has determined that the proposed rule must be revised to include a requirement to accomplish this modification in order to ensure the continuing airworthiness of these airplanes. Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional time for public comment.

Additionally, several operators commented on the calendar time limit that is used in conjunction with flight cycles for the proposed compliance time. The commenters requested that the FAA delete the calendar time requirement, or increase it so that the inspections could be accomplished during scheduled maintenance. The justification given was that the cracks in the frames were fatigue-related in nature and not time-related. The FAA does not concur that the requirement can be dropped because some airplanes have low utilization. The FAA does concur that the inspection should be accomplished during scheduled maintenance and has increased the calendar component of the proposed compliance time from 15 to 24 months.

The format of this Supplemental Notice of Proposed Rulemaking has been restructured to be consistent with the standard **Federal Register** style.

There are approximately 1,695 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 1,172 airplanes of U.S. registry would be affected by this AD, that it would take approximately 16 work hours per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,031,360.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-6545 and by adding the following new airworthiness directive:

Boeing: Docket No. 91-NM-70-AD. Supersedes AD 90-06-16, Amendment 39-6545.

Applicability: Model 727 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To detect cracking in the fuselage aft lower lobe frames between body stations (BS) 950 and BS 1166, accomplish the following:

(a) Conduct a detailed visual inspection of the fuselage frames in accordance with Part I of the Accomplishment Instructions of Boeing Alert Service Bulletin 727-53A0195, dated May 4, 1989, prior to the time specified in subparagraph (a)(1) or (a)(2) of this AD, whichever occurs first.

(1) Prior to the time specified in subparagraph (a)(1)(i) or (a)(1)(ii) of this AD, whichever occurs later:

(i) Within the next 3,000 flight cycles or 15 months after April 24, 1990 (the effective date of AD 90-06-16, Amendment 39-6545), whichever occurs first; or

(ii) Prior to the accumulation of 40,000 flight cycles.

(2) Prior to the time specified in subparagraph (a)(2)(i) or (a)(2)(ii) of this AD, whichever occurs later:

(i) Within the next 3,000 flight cycles or 24 months after the effective date of this AD, whichever occurs first; or

(ii) Prior to the accumulation of 28,000 flight cycles.

(b) Repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 4,000 flight cycles or 30 months, whichever occurs first.

(c) If any cracks are detected, repair prior to further flight, in accordance with Part I of the Accomplishment Instructions of Boeing Alert Service Bulletin 727-53A0195, dated May 4, 1989. Skin repairs must be accomplished in accordance with Section 53-30-3 of the Boeing 727 Structural Repair Manual.

(d) Accomplishment of repairs in accordance with Boeing Alert Service Bulletin 727-53A0195, dated May 4, 1989, constitutes terminating action for the inspections required by paragraphs (a) and (b) of this AD for the repaired areas only.

(e) Accomplish the preventive modification in accordance with part I, Paragraph B., of the Accomplishment Instructions of Boeing Alert Service Bulletin 727-53A0195, Revision 1, dated September 19, 1991, prior to the time specified in subparagraph (e)(1) or (e)(2) of this AD, whichever occurs later:

(1) Within the next 7,500 flight cycles or 45 months after the effective date of this AD, whichever occurs first; or

(2) Prior to the accumulation of 47,500 flight cycles.

(f) Accomplishment of the preventive modification required by paragraph (e) of this AD constitutes terminating action for the inspections required by this AD for the modified area only

(g) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21. 199 to operate airplanes to a base in order to comply with the requirements of this AD.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-337 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-50-AD]

Airworthiness Directives; Boeing Model 747-100, 747-200, and 747-SP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a proposed rule, applicable to certain Boeing Model 747-100, 747-200, and 747-SP series airplanes, which would have required installation of a placard and the addition of an airplane flight manual (AFM) limitation prohibiting operating under Category (CAT) II and CAT III weather minima. The proposed requirements were intended to prevent landing approaches that are offset from the runway centerline due to degraded localizer tracking performance following an adverse localizer capture maneuver during automatic landings. Since the issuance of the proposal, the FAA has determined that pilot monitoring will adequately detect when there is excessive divergence from the localizer beam, and crew action would disengage the autopilot. Accordingly, the proposal is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Frank vanLeynseele, Seattle Aircraft Certification Office, Systems & Equipment Branch, ANM-130S; telephone (206) 227-2671. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by adding a new airworthiness directive (AD) was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on February 25, 1991 (56 FR 7611). The proposal would have required installation of a placard and the addition of an AFM limitation prohibiting operation under CAT II and CAT III weather conditions. To restore the airplane to its full CAT II or CAT III capability, operators would have been required to install a modified autoland computer, known as the Advanced Autoland Improvement Program (AAIP) Phase II. That action was prompted by reports of degraded localizer tracking performance during automatic landings, and the development of a modified autoland computer that would prevent such problems.

Due consideration has been given to the comments received in response to the NPRM. These comments are discussed below.

Almost none of the comments received were supportive of the proposed rule. Most commenters requested that the rule be withdrawn and that they be permitted to continue autoland operations using the currently-installed pre-AAIP Phase II autoland computers.

Many commenters stated that the procedures outlined in Boeing Operations Bulletin 88-2, dated August 24, 1988, together with diligent monitoring of the localizer tracking performance by the pilot not flying, have shown to be successful in detecting the occasional cases of mistracking. The Boeing Operations Bulletin provides instructions by which degraded localizer tracking and degraded autoland performance can be avoided. For example, it contains procedures that instruct flight crews to monitor ILS raw data throughout the approach: when approaching the runway threshold, the flight crew verifies if the autoflight system is tracking the localizer and glide slope within acceptable limits for autoland; when in doubt, the crew must consider a go-around. The operations bulletin also provides detailed information concerning the localizer deviation limits that must be observed in order to accomplish a successful autoland.

Due to the number of comments received that were similar in nature with regard to the Boeing Operations Bulletin, the FAA has reviewed in depth the data available and is now convinced that the existing operational procedures and the pilots' monitoring of the localizer raw data are adequate to detect and correct the effects of the mistracking incidents.

Several commenters especially challenged the statement in the preamble to the Notice which indicated that "a survey of airline operators has revealed several incidents of degraded localizer tracking each month." The FAA has examined in depth the information provided and now finds that a high percentage of approaches which resulted in degraded localizer tracking performance may actually have occurred under CAT I or better visibility conditions. This introduces the possibility that the ground traffic around and across an active ILS runway was causing distractions to the localizer beam. Further, ILS capture procedures are apt to experience certain conditions that can result in off-centerline tracking, such as:

(1) Interception of the localizer beam at an angle greater than 45°;

(2) Capture at a distance less than 8 miles from the runway threshold;

(3) Capture at speeds greater than V_{ref} + 40 knots;

(4) Capture at an altitude less than 1,500 feet AGL; or

(5) Passing the outer marker when the airplane is not stabilized on the localizer or glideslope beam.

Although encountering one of these situations under Instrument Meteorological Conditions (IMC) weather conditions is unlikely, should it occur, the pilot's monitoring of the ILS instruments will provide sufficient warning of the conditions and will allow the pilot to correct the approach or go around.

One of the commenters provided detailed information regarding its service history experience, which indicates that none of the subject problems had ever been encountered during as many as 12 years of operation using CAT II or III autoland procedures. It was also noted, and the FAA concurs, that the data collection and reporting of autoland incidents—on a worldwide basis—is imperfect and may not always provide the most accurate information.

In light of the data and information discussed above, and taking into account the safety record of affected airplanes in service, the FAA has reevaluated its position on this subject and has determined that the need for the previously proposed requirements is not warranted. The addressed unsafe condition is corrected by current operational procedures in which the crew monitors the localizer beam raw data during any autoland approach. For

these reasons, the FAA hereby withdraws the NPRM.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

Since this action only withdraws an NPRM, it is neither a proposed nor final rule, and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 89-NM-50-AD published in the **Federal Register** on February 25, 1991 (56 FR 7611), is withdrawn.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-343 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-254-AD]

Airworthiness Directives; Boeing Model 747-300 and 747-400 Series Airplanes Equipped With BFGoodrich Escape Slide/Rafts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747-300 series airplanes and all Model 747-400 series airplanes equipped with certain BFGoodrich escape slide/rafts. This proposal would require modification of the main deck doors' evacuation systems. This proposal is prompted by reports indicating that deployed escape slide/rafts inflate slowly due to high internal regulator friction, or experience low pressure at low ambient temperatures. The actions specified by the proposed AD are intended to prevent delayed inflation of the escape slide/rafts, which could delay or impede the evacuation of passengers during an emergency.

DATES: Comments must be received by February 25, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-254-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from BFGoodrich Company, Aerospace, Aircraft Evacuation Systems, 3414 South 5th Street, Phoenix, Arizona 85040. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Andrew Gfrerer, Aerospace Engineer, Mechanical/Environmental and Crashworthiness Section, ANM-131L, Los Angeles Aircraft Certification Office, 3229 E. Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5338; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-254-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-254-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Tests recently conducted at Boeing Commercial Airplane Group revealed that some BFGoodrich escape slide/rafts did not inflate immediately when they were deployed. Further investigation revealed that delayed deployment of escape slide/rafts installed on Boeing Model 747-400 series airplanes at main deck doors 1, 2, 4 and 5, and on certain Boeing Model 747-300 series airplanes at main deck door 2, was due to high internal regulator friction. Additionally, main deck door 2 escape slide/rafts installed on certain Boeing Model 747-300 series airplanes and Boeing Model 747-400 series airplanes may develop low pressure at low ambient temperatures. This condition, if not corrected, could result in delayed inflation of the escape slide/rafts, which could delay or impede the evacuation of passengers during an emergency.

The FAA has reviewed and approved BFGoodrich Service Bulletin 25-232, dated November 18, 1991, which describes procedures for modification of the escape slide/rafts' regulator and aspirators, to preclude the occurrence of internal regulator friction, and low pressure in aspirators at low temperatures.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action must be taken to prevent delayed inflation of deployed escape slide/rafts.

Since the unsafe condition described is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the regulator and aspirators on the affected escape slide/rafts. The actions would be required to be accomplished in accordance with the service bulletin previously described.

There are approximately 243 Model 747-300 and 747-400 series airplanes of the affected design in the worldwide fleet. It is estimated that 38 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 2 work hours per airplane to accomplish the proposed actions if they are performed during a regular maintenance check; otherwise, it would take 20 work hours per airplane. The average labor rate is $55 per work hour. The manufacturer will provide required parts to operators on an exchange basis at no cost. Based on

these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,180 (if performed during regularly scheduled maintenance), or $41,800 (if performed at a time other than during scheduled maintenance).

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

BFGoodrich: Docket 91-NM-254-AD.

Applicability: Boeing Model 747-400 series airplanes equipped with BFGoodrich slide/raft P/N 7A1467-1 through -16 (main deck, doors 1 and 4), P/N 7A1479-1 through -10 (main deck, door 2), P/N 7A1469-1 through -8 (main deck, door 5); and Boeing 747-300 airplanes equipped with slide/raft P/N 7A1479-1 through -10 (main deck, door 2); certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent delayed inflation of deployed escape slide/rafts, accomplish the following:

(a) For main deck doors 1, 2, 4, and 5: Within 12 months after the effective date of this AD, modify regulator P/N 5A2851-1 or -2 (subassembly of reservoir assembly P/N 5A2832-1 or -2) to become reservoir assembly P/N 5A2832-3; and perform a regulator leak check; in accordance with the Accomplishment Instructions, paragraphs 2.A. through 2.F., BFGoodrich Service Bulletin 25-232, dated November 18, 1991.

(b) For main deck door 2: Within 12 months after the effective date of this AD, modify aspirators, P/N 4A3166-1, to form new aspirator assembly P/N 5A2870-1, in accordance with the Accomplishment Instructions, paragraph 2.G., of BFGoodrich Service Bulletin 25-232, dated November 18, 1991.

(c) Subsequent to accomplishing the requirements of paragraph (a) and (b) of this AD, reidentify the modified slide/rafts in accordance with paragraph 3.B., Identification, of BFGoodrich Service Bulletin 25-232, dated November 18, 1991.

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-339 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-222-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 and KC-10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure an existing airworthiness directive (AD) that is applicable to McDonnell Douglas DC-10 and KC-10A (Military) series airplanes. That AD currently requires inspections and repair, if necessary, of the horizontal stabilizer rear upper spar cap and/or upper rear skin panel for fatigue cracking. This action would shorten the repetitive inspection intervals for repaired spar caps and upper rear skin panels, and would expand the inspection area. This proposal is prompted by service experience and additional data presented by the manufacturer. The actions specified by the proposed AD are intended to prevent loss of the fail-safe capability of the horizontal stabilizer.

DATES: Comments must be received no later than February 24, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-222-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-0001, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Moreland, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-121L, FAA Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5238.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by

interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-222-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-222-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On February 17, 1989, the FAA issued AD 87-06-53 R2, Amendment 39-6149 (54 FR 8527, March 1, 1989), which is applicable to McDonnell Douglas DC-10 and KC-10A (Military) series airplanes. That AD requires repetitive inspections of the horizontal stabilizer rear upper spar cap and/or upper rear skin panel at intervals not to exceed 2,000 landings to detect fatigue cracking, and repair, if necessary. That action was prompted by reports of cracking of the horizontal stabilizer upper outer section rear spar caps and outer section rear skin panels. Such cracking, if not detected and repaired in a timely manner, could lead to structural failure of the airplane.

Since issuance of that AD, the FAA has received reports indicating that fatigue cracks that were previously blended out in the barrel nut holes of the spar cap, have cracked beyond the established limits. The cracking occurred prior to the 2,000-landing inspection interval required by the existing AD. The manufacturer has furnished data to substantiate that the stop-drilling of cracks that are within specified limits on the skin panels is an acceptable procedure for addressing this cracking problem, provided that the area is repetitively inspected at reduced inspection intervals.

Additionally, the manufacturer has received reports of four instances of fatigue cracking found in the inboard-most end of the horizontal stabilizer rear spar upper cap vertical tang. This condition, if not corrected, could result in the loss of the fail-safe capability of the horizontal stabilizer.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin A55-18, Revision 4, dated September 10, 1991, which describes procedures for the inspection and repair of the horizontal stabilizer upper outer section rear spar caps and upper outer section rear skin panels.

Since the unsafe condition described is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 87-06-53 R2 to reduce the repetitive inspection interval for cracked spar caps from 2,000 landings to 500 landings, and to require an 80-flight hour inspection interval for stop-drilled cracks in the skin panels. Additionally, this action would require inspection of the inboard-most end of the horizontal rear spar upper cap vertical tang at intervals of 3,500 landings. These actions would be required to be accomplished in accordance with the service bulletin previously described.

There are approximately 423 Model DC-10 series airplanes of the affected design in the worldwide fleet. It is estimated that 153 airplanes of U.S. registry would be affected by this AD, that it would take approximately one work hour per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,415 per inspection.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-6149, and by adding the following new airworthiness directive:

McDonnell Douglas: Docket No. 91-NM-222-AD. Supersedes AD 87-06-53 R2, Amendment 39-6419.

Applicability: Model DC-10 and KC-10A (Military) series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent failure of the horizontal stabilizer rear upper spar cap and/or upper rear skin panel due to fatigue cracking, accomplish the following:

(a) Prior to the accumulation of 30,000 flight hours or 7,500 landings, whichever occurs earlier, or within 15 days after August 14, 1987 (the effective date of AD 87-06-53 R1, Amendment 39-5694), whichever occurs later, unless already accomplished within the last 120 days since August 14, 1987, conduct a dye penetrant or eddy current inspection of the horizontal stabilizer upper outer section rear spar cap and a visual inspection of the horizontal stabilizer upper outer rear skin panel, in accordance with the "Accomplishment Instructions" of McDonnell Douglas Alert Service Bulletin A55-18, dated March 23, 1987; or Revision 1, dated May 21, 1987; or Revision 2, dated February 8, 1988; or Revision 3, dated August 17, 1990; or Revision 4, dated September 10, 1991.

(b) Prior to the accumulation of 2,000 landings after accomplishing the inspections required by paragraph (a) of this AD, or within 100 landings after March 27, 1989 (the effective date of AD 87-06-53 R2, Amendment 39-6149), whichever occurs later, and thereafter at intervals not to exceed 2,000 landings, except as provided below, repeat the dye penetrant or eddy current inspection required by paragraph (a) of this AD.

(c) If the spar cap has been repaired by removing/blending out a crack in accordance with the method described in McDonnell Douglas Service Bulletin A55-18, Revision 4, dated September 10, 1991 (hereafter, referred to as the "Service Bulletin"), repeat the dye penetrant or eddy current inspection of the spar required by paragraph (a) of this AD prior to the accumulation of 500 landings after the effective date of this amendment, or within 2,000 landings after the last inspection, whichever occurs first. Thereafter, repeat the dye penetrant or eddy current inspection at intervals not to exceed 500 landings.

(d) If the skin panel has been repaired by stop drilling a crack in accordance with the method described in the Service Bulletin, repeat the visual inspection of the skin panel

required by paragraph (a) of this AD prior to the accumulation of 80 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 80 flight hours.

(e) At the next scheduled inspection required by paragraph (a), (b), (c), or (d) of this AD, conduct an eddy current inspection of the inboard-most end of the horizontal stabilizer rear spar upper cap vertical tang at station XRS=63.810, in accordance with the "bolt hole" method described in the Service Bulletin. If no cracks are found, stress coin the attachment holes and install oversize attachments. Thereafter, at intervals not to exceed 3,500 landings, conduct an eddy current inspection utilizing the "surface probe" method in accordance with the Service Bulletin.

(f) If any crack is found as a result of the inspections required by this AD, that is within the limits specified in the Service Bulletin accomplish the following:

(1) For cracks in the spar cap that are within the limits specified in Table I of the Service Bulletin: Repair prior to further flight, in accordance with paragraph 4.(b) of the Service Bulletin.

(2) For cracks in the skin panel that are within the limits specified in Table II of the Service Bulletin: Repair prior to further flight, in accordance with paragraph 4.(c) of the Service Bulletin.

(3) For cracks in the vertical tang that are within the limits specified in paragraphs 4.3(a)(1), 4.3(a)(2) and 4.3(b) of the Service Bulletin: Repair prior to further flight, in accordance with 4.3(b) of the Service Bulletin.

(g) If any crack is found as a result of the inspections required by this AD that exceed the limits specified in the Service Bulletin, prior to further flight, repair in a manner approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate.

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

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

Issued in Renton, Washington, on December 20, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-342 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[PS-56-89]

RIN 1545-AN92

Certain Publicly Traded Partnerships Treated as Corporations—Transaction Provisions; Correction to Notice of Public Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of public hearing.

SUMMARY: This document contains corrections to a notice of public hearing on proposed regulations relating to a description of when a publicly traded partnership adds a "substantial new line of business," thus forfeiting the partnership status preserved for "existing partnerships" by the transition rule applicable to section 7704 of the Internal Revenue Code of 1986.

EFFECTIVE DATE: January 8, 1992.

FOR FURTHER INFORMATION CONTACT: Felicia A. Daniels of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-566-3935, (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of public hearing that is the subject of these corrections was published in the **Federal Register** on December 31, 1991 (56 FR 67557).

Need for Correction

As published, the notice of public hearing contains errors concerning dates which are in need of clarification.

Correction of Publication

Accordingly, the publication on December 31, 1991 of the notice of public meeting hearing (PS-56-89), which was the subject of FR Doc. 91-31145, is corrected as follows:

Paragraph 1. The **"DATES"** portion of the preamble of the notice of public hearing is corrected to read:

"DATES: The public hearing will be held on Monday, February 24, 1992, beginning at 10 a.m. Outlines of oral comments must be received by Monday, February 10, 1992."

Par. 2. On page 67558, in the first column, second paragraph, the comment date in the eleventh line which now reads "February 10, 1991" is corrected to read "February 10, 1992".

Dale D. Goode,

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

[FR Doc. 92-294 Filed 1-7-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB42

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Certain Populations of the African Elephant and Revision of Special Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; Notice of reopening of comment period.

SUMMARY: The Service announces that the comment period on the proposed rule to determine endangered status for some populations of the African elephant will be reopened. This will allow foreign countries in the range of this species, additional time to submit management plans that will be used, in part, by the Service in making its final decision. Such plans would be available for public review and comment before the close of this period.

DATES: All comments received through January 24, 1992, will be considered part of the administrative record.

ADDRESSES: Written comments and materials concerning this proposal should be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, room 725; U.S. Fish and Wildlife Service; Washington, DC 20240 (Fax number 703-358-2276). Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address, or by phone (703-358-1708 or FTS 921-1708).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service (Service), in the **Federal Register** of March 18, 1991 (56

FR 11392–11401), issued a notice proposing to reclassify most populations of the African elephant (*Loxodonta africana*) from threatened to endangered status. The proposal would classify all African elephants (including their parts and products) as endangered wherever found, except in Botswana, Zimbabwe, and South Africa, where they would remain threatened. The Service at that time also proposed: (1) Withdrawing its May 5, 1989, proposal (54 FR 19416) to amend its regulations found in 50 CFR 14.91, 14.92, and 17.21, and the African elephant special rule found in 50 CFR 17.40(e); (2) amending its regulations found in 50 CFR 17.21; and (3) revising the African elephant special rule found in 50 CFR 17.40(e). The Service, in the **Federal Register** of July 19, 1991 (56 FR 33241), extended the comment period to December 15, 1991.

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, comments and suggestions concerning any aspect of this proposed rule are hereby solicited from the public, concerned governmental agencies within the United States, African range states, other interested countries, the scientific community, industry, private interests, and other parties.

The African Elephant Conservation Coordinating Group, with financial support from the U.S. Agency for International Development (USAID), the European Economic Community (EEC), the World Wildlife Fund (WWF), and the U.S. Fish and Wildlife Service, has developed a series of reports that represent broad overviews of the status, conservation, and management of elephants in certain African range countries. The Service believes these reports may provide useful information in the continuing effort to assign the proper listing under the Endangered Species Act for the African elephant. The reports were intended for use at the African Elephant Conservation Grants Donor's Conference in Nairobi, Kenya, in November 1991. That Conference has been rescheduled for January 1992. Several of the reports have not yet been received and may not be available to the Service until mid-January. The Service is thus extending the comment period on the proposed rule through January 24, 1992, so these reports if received in a timely manner can be considered in the final listing determination.

Authority: 16 U.S.C. 1361–1401; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

List of Subjects in 50 CFR Part 17

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

Dated: December 31, 1991.

Richard N. Smith,

Deputy Director.

[FR Doc. 92–274 Filed 1–7–92; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

RIN 1018–AB42

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for Argali

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: The Service gives notice that the comment period on the proposed rule to determine threatened status for the argali will be reopened for 2 months. This will afford the public additional time to review and comment on various percentage points before the Service makes its final decision.

DATES: Comments must be received by February 24, 1992.

ADDRESSES: Please send correspondence regarding this notice to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, room 725; U.S. Fish and Wildlife Service; Washington, DC 20240 (Fax number 703–358–2276). Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. Comments and other information received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address (phone 703–358–1708 or FTS 921–1708).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 5, 1990 (55 FR 40890–40896), the Fish and Wildlife Service (Service) issued a proposed rule to determine threatened status for the argali (*Ovis ammon*), a large wild sheep found in Soviet Central Asia, Mongolia, China, and the Himalayan region. The proposal stated that any resulting final rule might take a substantially different form, perhaps designating the entire species *O. ammon*, or any subspecies or populations thereof, as endangered, or perhaps excluding certain subspecies or populations from any classification. In the **Federal Register** of February 8, 1991 (56 FR 5192), the comment period was extended to April 20, 1991. In the **Federal Register** of October 25, 1991 (56 FR 55266–55267), the deadline for issuing a final rule was extended to April 5, 1992, and the comment period was extended to December 24, 1991. However, the Service has continued to encounter difficulty in obtaining data on the bioconservation and legal status of the argali from various foreign authorities and certain other interested parties, as well as resolving disagreement on the sufficiency and accuracy of the information that is available. Therefore, the comment period is reopened.

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.

List of Subjects in 50 CFR Part 17

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

Dated: December 31, 1991.

Richard N. Smith,

Deputy Director.

[FR Doc. 92–275 Filed 1–7–92; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 57, No. 5
Wednesday, January 8, 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

Office of the Secretary

Agricultural Biotechnology Research Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given that the Secretary of Agriculture is renewing the charter of the Agricultural Biotechnology Research Advisory Committee (ABRAC). The purpose of the Committee is to advise the Secretary, through the Assistant Secretary for Science and Education, with respect to policies, programs, operations and activities associated with the conduct of agricultural biotechnology research.

The Secretary has determined that the work of the Committee is in the public interest and is relevant to the duties of the Department of Agriculture.

The Committee, including the Chair and Vice-Chair, will consist of 15 voting members, of whom no more than five will be federal employees. The members of the Committee will have professional or personal qualifications or experience in one or more of the following areas: Recombinant-DNA research in plants, animals and microbes; ecology/epidemiology/environmental science; agricultural production practices; biological containment and field release; applicable laws and regulations; standards of professional conduct and practice; public attitudes; public health; occupational health and ethics; human medicine; fisheries science; and socioeconomic impacts.

Comments may be submitted to Dr. Alvin L. Young, room 1001, RP–E, 14th and Independence Avenue, SW., Washington, DC 20250–2200.

Done in Washington, DC, this 27th day of December 1991.

Charles R. Hilty,

Assistant Secretary for Administration.

[FR Doc. 92–366 Filed 1–7–92; 8:45 am]

BILLING CODE 3410-22-M

Cooperative State Research Service

Joint Council on Food and Agricultural Sciences; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), as amended, the Office of Grants and Program Systems, Cooperative State Research Service, announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences

Date: January 29–31, 1992

Time: 1 p.m.–5 p.m., January 29, 1992; 8 a.m.–5 p.m., January 30, 1992; 8 a.m.–12 noon, January 31, 1992.

Place: Pennington Bio-Medical Center and Louisiana State University Agricultural Center, Baton Rouge, Louisiana

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person named below.

Purpose: The purposes of the meeting are to discuss human nutrition science and education issues; select and rank Fiscal Year 1994 priorities for agricultural research, extension, and higher education for the food and agricultural science and education system; follow up on previous discussions concerning responsibilities assigned in the 1990 Farm Bill; and review the Joint Council/Users Advisory Board draft "White Paper."

Contact Person for Agenda and More Information: Dr. Mark R. Bailey, Executive Secretary, Joint Council on Food and Agricultural Sciences, suite 302, Aerospace Building, U.S. Department of Agriculture, Washington, DC 20250–2200; Telephone (202) 401–4662.

Done in Washington, DC, this 20th day of December, 1991.

John Patrick Jordan,

Administrator.

[FR Doc. 92–367 Filed 1–7–92; 8:45 am]

BILLING CODE 3410-22-M

Federal Grain Inspection Service

Request for Comments on the Applicants for Designation in the Geographic Areas Currently Assigned to the Detroit (MI), and Keokuk (IA) Agencies

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: FGIS requests interested persons to submit comments on the applicants for designation to provide official services in the geographic areas currently assigned to Detroit Grain Inspection Service, Inc. (Detroit), and John H. Oliver, Inc., dba Keokuk Grain Inspection Service (Keokuk).

DATES: Comments must be postmarked on or before February 24, 1992.

ADDRESSES: Comments must be submitted in writing to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36HDUNN]. ATTMAIL and FTS2000MAIL users may respond to !A36HDUNN. Telecopier users may send responses to the automatic telecopier machine at 202-720-1015, attention: Homer E. Dunn. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202-720-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the November 1, 1991, **Federal Register** (56 FR 56184), FGIS asked persons interested in providing official grain inspection in the Detroit and Keokuk geographic areas to submit an application for designation. Applications were to be postmarked by December 2, 1991. Detroit, the only applicant for the Detroit area, applied for the entire area currently assigned to them. There were two applicants for the Keokuk area designation. Keokuk applied for the entire area currently assigned to them, except for Lomax Grain Elevator, in Henderson County, Illinois (located inside Eastern Iowa Grain Inspection and Weighing Service, Inc.'s area (Eastern Iowa). Eastern Iowa applied for designation to serve Lomax Grain Elevator, in Henderson County, Illinois. Eastern Iowa and Keokuk are neighboring official agencies.

FGIS is also correcting an error in the Keokuk and Eastern Iowa geographic area descriptions. Continental Grain Company, in Henderson County, Illinois, is inside Keokuk's area, not Eastern Iowa's; therefore, it is not an exception to Eastern Iowa's geographic area, and the geographic area descriptions are being changed accordingly. Continental Grain Company, in Henderson County, Illinois, will continue to be served by Keokuk.

FGIS is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants for designation. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of these applicants. All comments must be submitted to the Compliance Division at the above address.

Comments and other available information will be considered in making a final decision. FGIS will publish notice of the final decision in the **Federal Register**, and FGIS will send the applicants written notification of the decision.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: December 31, 1991.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 92-280 Filed 1-7-92; 8:45 am]

BILLING CODE 3410-EN-F

Food and Nutrition Service

National Advisory Council on Commodity Distribution; Meeting Announcement

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: A meeting of the national Advisory Council on Commodity Distribution is scheduled for February 11-13, 1992. The council, established by the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237) meets biannually to advise the Secretary of Agriculture regarding the development of commodity specifications and other program improvements.

DATES: The meeting will take place on February 11 and 12 from 8:30 a.m. to 5 p.m. and on February 13 from 8:30 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at the Hotel Pullman Highland at 1914 Connecticut Avenue, NW., Washington DC.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly King, Deputy Director, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302, (703) 305-2680.

SUPPLEMENTARY INFORMATION: This is the sixth meeting of the National Advisory Council on Commodity Distribution, as established by section 3(a)(3) of Public Law 100-237. The purpose of the council is to provide guidance to the Secretary of Agriculture on regulations and policy development for the Food Distribution Programs with primary emphasis on specifications for commodities. If time permits, the general public will be allowed to participate in the discussions. The agenda will be available 15 days prior to the meeting. Requests for the agenda should be sent to Ms. Alberta C. Frost, Executive Secretary, National Advisory Council on Commodity Distribution, USDA, Food and Nutrition Service, 3101 Park Center Drive, room 502, Alexandria, Virginia 22302. Comments may be filed with Alberta C. Frost before or after the meeting.

Dated: December 31, 1991.

Betty Jo Nelsen,

Administrator.

[FR Doc. 92-279 Filed 1-7-92; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Management Plan for the Metolius Wild and Scenic River, Jefferson County, Oregon; Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) and management plan for the Metolius River, Jefferson County, Oregon, designated a National Wild and Scenic River by the Omnibus Oregon Wild and Scenic Rivers Act of 1988. The agency invites written comments and suggestions on the management of this river and the scope of the analysis. In addition, the agency gives notice of the full environmental analysis and decision making process that will occur on this plan so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the management of this river should be received by February 1, 1992.

ADDRESSES: Submit written comments and suggestions concerning the management of this river to the Jose Cruz, Forest Supervisor, Deschutes National Forest, 1645 Highway 20 East, Bend, OR 97701.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and EIS to Don Doyle, River Planner, Deschutes National Forest, 1645 Highway 20 East, Bend, OR 97701, telephone (503) 383-5536.

SUPPLEMENTARY INFORMATION: The Omnibus Oregon Wild and Scenic Rivers Act (Public Law 100-557, October 7, 1988) designated a segment of the Metolius River into the National Wild and Scenic Rivers System. The EIS and management plan will address this river segment, as described in Public Law 100-557:

Metolius, Oregon: The 28.6-mile segment from the south Deschutes National Forest boundary to lake Billy Chinook in the following classes: (A) The 11.5-mile segment from the south Deschutes National Forest boundary (approximately 2,055.5 feet from Metolius Springs) to Bridge 99 as a recreational river; to be administered by the Secretary of Agriculture; and (B) the 17.1-mile segment from Bridge 99 to Lake Billy Chinook as scenic river; by the Secretary of Agriculture, through a cooperative management agreement between the Secretary of the Interior and the Confederated Tribes of the Warm Springs Reservation as provided in section 10(e) of this Act and section 105 of the Omnibus Oregon Wild and Scenic Rivers Act of 1988: Provided, That the river and its adjacent land area will be managed to provide a primitive recreational experience as defined in the ROS User's Guide.

The river between Metolius Springs and Candle Creek also was designated an Oregon State Scenic Waterway by Ballot Measure 7 in 1988. The State and Forest Service have agreed to conduct a joint planning process covering both the state and federal segments. As specified

by Public Law 100–557, management of the river below Bridge 99 will be accomplished through a cooperative agreement with the Confederated Tribes of the Warm Springs Reservation.

Public participation will be especially important at several points during the management planning process. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies, the Confederated Tribes of the Warm Springs Reservation, and individuals and organizations who may be interested in or affected by the proposed action. This input will be used in the preparation of the draft EIS.

A series of informational workshops will be held in Camp Sherman, Bend, and Salem, Oregon, during January, 1992 to inform the public of the planning process and to provide for public participation and involvement. Federal, State, and local agencies as well as the Confederated Tribes of the Warm Springs Reservation, user groups, local residents, and other individuals and organizations interested in the plan will be invited to participate in scoping the issues that should be considered. In addition, a newsletter and response form will be available in January, 1992, for those unable to attend a workshop.

A second series of informational workshops will be held during April–May, 1992, to obtain comment on preliminary management alternatives to be considered in the draft EIS. A newsletter and comment form will be available for those unable to attend a workshop.

The draft EIS and Management Plan are expected to be filed with the Environmental Protection Agency (EPA) and made available for public review by January, 1993. At that time, EPA will publish a notice of availability in the **Federal Register**. The comment period on the draft EIS and Management Plan will be 90 days from the date the notice of availability appears in the **Federal Register**. It is important that those interested in the management of the Metolius River get involved at this time.

To be most helpful, comments should be as specific as possible and may address the adequacy of the statement and plan and the merits of the alternatives discussed. In addition, Federal court decisions have established that reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that they are meaningful and alert the agency to the reviewer's position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage but that are not raised until after completion of the final EIS may be waived or dismissed by the court *City of Angoon* v. *Hodel*, 803 f.2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritage, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wisc. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

After the comment period ends on the draft EIS and Management Plan, comments will be analyzed and considered by the Forest Service in preparing a final EIS and Management Plan, in which the Forest Service is required to respond to comments received (40 CFR 1503.4). The final EIS is scheduled to be completed by December, 1993. The Forest Supervisor is the responsible official. The responsible official will consider the comments, responses, and consequences discussed in the EIS, applicable laws, regulations, and policies in making a decision regarding the management of the river. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal regulations (36 CFR 217).

Dated: December 20, 1991.

Sally D. Collins,

Deputy Forest Supervisor.

[FR Doc. 92–349 Filed 1–7–92; 8:45 am]

BILLING CODE 3410–11–M

Management Plan for the Deschutes Wild and Scenic River—Wickiup Dam to the Bend Urban Growth Boundary, Deschutes County, OR; Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare an environmental impact statement (EIS) and management plan for the upper Deschutes River, Deschutes County, Oregon, a designated Wild and Scenic River. Designation was established in the Omnibus Oregon Wild and Scenic River Act (Public Law 100–557). The proposal will require an amendment to the Deschutes National Forest Land and Resource Management Plan dated August, 1990 (Forest Plan). The Forest Service invites written comments and suggestions on management of this river and the scope of the analysis. The agency gives notice of the full environmental analysis and decision making process that will occur on this plan so that interested and affected people are aware of how they may participate and contribute to the final decision. A public review of the issues and alternatives will be held in Bend, Oregon, in March, 1992. Actual dates, times and place of the review will be announced in The Bulletin, and other appropriate places.

DATES: Comments concerning the scope and implementation of this proposal must be received by February 1, 1992.

ADDRESSES: Submit written comments concerning the scope of the analysis to Jose Cruz, Forest Supervisor, Deschutes National Forest, 1645 Hwy 20E, Bend, Oregon 97701; phone (503) 383–5715.

FOR FURTHER INFORMATION CONTACT: Questions and written comments about the proposed action should be directed to Carrie Sammons, Supervisors Office, 1645 Hwy 20E, Bend, Oregon 97701; phone (503) 383–5536.

SUPPLEMENTARY INFORMATION: The diverse characteristics of the upper Deschutes River have necessitated dividing the 54.4 mile stream reach into several segments for the analysis.

Segment 1, Little Lava Lake to Crane Prairie Reservoir, is not being considered in this analysis. It has been found eligible for designation however the suitability determination has not been completed.

Segment 2 is from Wickiup Dam to the south boundary of LaPine State Recreation Area. The desired condition for this segment would be ROS classification semi-primative motorized. Road access would be limited in some areas providing a natural setting that could be reached only by river or trail. A river trail system would be in place and boat access would exist at Tenino, Bull Bend, Wyeth, Pringle Falls, Tetherow and LaPine State Recreation Area. Boating, fishing, wildlife watching, and camping are the primary uses. Developed camping facilities would be provided at Bull Bend, Wyeth, Pringle Falls and LaPine State Recreation Area. Haner Park and Pringle Falls, two areas of private development, provide year round residential living. "Watchable wildlife" (eagles, osprey, blue herons, waterfowl, elk, deer, and numerous small mammals) would be a recognized attraction. This reach of the river would provide good year round fish habitat and quality brown trout fishery.

To reach the desired condition the following actions would be necessary:

Providing portages at Pringle Falls and Tetherow, closing selected low standard roads to reduce disturbance to wildlife;

Construction of trails to provide access along the river while protecting riparian vegetation and habitat;

Moving campsites and vehicle parking back from the river at least 100 feet, except in designated locations to protect riparian vegetation and to allow stream bank revegetation, enforcement of state and county regulations in conjunction with colors and construction materials compatible with the natural settings;

Development of fish management plans to perpetuate natural fish production that would provide for self-sustaining populations, emphasis on maintenance/restoration of riparian zone habitat for "watchable wildlife";

Emphasis of snags for wildlife with modified only if posing a safety hazard to recreationists;

Vegetative management for healthy, diverse plant communities, monitoring and enforcement through cooperative agency attention, through a formal Memorandum of Understanding, to assure land uses are consistent with applicable regulations, protection of wetlands as special habitat for fish, wildlife, scenic and water quality values;

Native American cultural and traditional use sites would be managed to protect their unusual characteristics, exceptional values, and religious importance;

River flows would be identified to balance irrigation uses with restoration of fish habitat, reduction of turbidity and sedimentation, stabilization of stream banks and maintenance of wetland and riparian ecosystems.

Segment 3 runs from the south boundary of LaPine State Recreation Area to Benham Falls. The desired condition for this segment would be one of a developed rural area. This segment of the river would be substantially modified by private residences. Evidence of human development would be prevalent and bridges, roads and powerlines are evident. Native vegetation would be growing on the banks giving a natural appearance to the stream. The Brown trout fishery in this section would be very good. The riparian and wetland zones would provide quality habitat for waterfowl, native fur bearing animals and contribute to the aquatic biological diversity. Access routes through the residential areas would be identified and boat access would be provided at several ramps located on public lands. Canoeing, fishing, and wildlife watching would be the primary uses.

To reach the desired condition the following actions would be necessary:

Technical design assistance would be provided to facilitate new and maintain existing bank erosion measures (riprap) that emphasize the use of natural vegetation;

The number of private boat docks would be reduced by encouraging community facilities and enforcement of existing county regulations, public access to the river for boating, fishing and camping purposes would be managed to protect the river values;

Public trails and river access routes through the residential would be marked for motorists and bicyclists, recreational navigation of the river would be encouraged and maintained;

Campsites and vehicle parking would be moved back from the river at least 100 feet, except in designated locations, to protect riparian vegetation and to allow stream bank revegetation;

New residences and facilities would comply with state and county regulations in conjunction with using colors and construction materials compatible with the natural settings, fish management plans would be developed to perpetuate natural fish production that would provide for self-sustaining populations, fish habitat would be supplement/restored with habitat structures, management would emphasize maintenance or restoration of riparian zone habitat for "watchable wildlife";

Snag retention would be emphasized for wildlife and modified only if posing a safety hazard to recreationists, vegetative management would be carried out to maintain healthy, diverse plant communities;

Monitoring and enforcement would receive cooperative agency attention, through a formal Memorandum of Understanding, to assure land uses were consistent with applicable regulations, wetlands would be protected as special habitat for fish, wildlife, scenic and water quality values;

Native American cultural and traditional use sites would be managed to protect their unusual characteristics, exceptional values, and religious importance;

River flows would be identified to balance irrigation uses with restoration of fish habitat, reduction of turbidity and sedimentation, stabilization of stream banks and maintenance of wetland and riparian ecosystems.

Segment 4 includes the portion from Benham Falls to COID Diversion. The desired condition for this portion of the river would be ROS classification roaded natural. Sightseeing, fishing, whitewater boating, canoeing, hiking and wildlife watching would be the primary activities. Day use would be emphasized and there would be a well developed non-motorized trail system originating in the Bend urban area. Vehicle access would be provided at several locations. Alterations to the landscape would be subtle and there would be moderate evidence of the sights and sounds of others. Exceptions might occur at several major sightseer attractions where landscapes have been substantially modified to accommodate and manage heavy use. This segment would provide an opportunity for a quality recreation experience. Diversity would be reflected in native plant and tree species, ages and sizes, with mature ponderosa pine highlighted. Snags would be an important component of the stands and would be found in numbers necessary to support natural wildlife populations. The riparian and wetland zones would provide quality habitat for waterfowl, native fur bearing animals and other wildlife. Seasonal restrictions would limit motor vehicle use during the winter months when the area would be important for winter elk habitat.

The actions necessary to achieve the desired conditions would be as follows:

An interpretive plan would be developed to make information about the unique geologic and cultural features found in this river segment available to the recreation users, access facilities, trail heads and viewpoints, would be redesigned and moved back from the river bank to enhance the natural river setting;

Selected roads and dispersed campsites would be closed to enhance the roaded natural setting and to encourage day use;

Mining claims located in the river corridor would be acquired, if necessary, to protect the viewshed from unnecessary modification, river flows would be managed to provide recreation boating experiences during the April through September season and to maintain the wetlands, aquatic and riparian ecosystems;

Campsites and vehicle parking would be moved back from the river at least 100 feet, except in designated locations, to protect riparian vegetation and to allow stream bank revegetation;

New residences and facilities would comply with state and county regulations in conjunction with colors and construction materials compatible with natural settings;

Fish management plans would be developed to perpetuate natural fish production that would provide self-sustaining populations, fish habitat would be supplemented/restored with habitat structures, management would emphasize maintenance or restoration of riparian zone habitat for "watchable wildlife";

Snag retention would be emphasized for wildlife and modified only if they pose a safety hazard to recreationists;

Vegetative management would be carried out to maintain healthy, diverse plant communities;

Monitoring and enforcement would receive cooperative agency attention through a formal Memorandum of Understanding, to assure land uses would be consistent with applicable regulations; wetlands would be protected as special habitat for fish, wildlife, scenic and water quality values;

Native American cultural and traditional use sites would be managed to protect their unusual characteristics, exceptional values, and religious importance.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by May, 1992. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. EPA will publish a notice of availability

of the draft EIS in the **Federal Register**. The comments period on the draft EIS will be 90 days from the date the EPA notice appears in the **Federal Register**. It is important that those interested in the management of this portion of the Deschutes River participate at that time.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 f. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The final EIS is scheduled to be completed by September 1992. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding this proposal. The Forest Supervisor is the responsible official, and will make a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR 217).

Dated: December 20, 1991.

Sally D. Collins,

Deputy Forest Supervisor.

[FR Doc. 92-350 Filed 1-7-92; 8:45 am]

BILLING CODE 3410-10-M

Quosatana/Bradford Timber Sales and Integrated Resource Projects, Siskiyou National Forest, Curry County, OR; Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the Forest Service, USDA will prepare an environmental impact statement (EIS) for a proposal to prepare three timber sales and implement other projects in the Quosatana Creek and Bradford Creek drainages. The EIS will tier to the Final EIS and Land and Resource Management Plan (Forest Plan) for the Siskiyou National Forest.

The Gold Beach Ranger District of the Siskiyou National Forest proposes to implement two timber sales (Skookumhouse T.S. and Homestead/Butte T.S.) and one thinning sale (2T Thin Sale) in the Quosatana and Bradford Creek drainages.

Appendix C of the Siskiyou National Forest Land and Resource Management Plan lists the proposed Skookumhouse (#89302) and Homestead/Butte (#90302) Timber Sales in Fiscal Years (FY) 1989 and 1990, respectively. The current version of the proposal, as shown below, differs from the information presented in Appendix C, and from the proposal presented to the public in January, 1991.

The proposal consists of two timber sales, totaling 550 acres and 12.623 MMBF, and one thinning sale (223 acres, 1.3 MMBF):

Skookumhouse T.S.: 173 acres, 4.253 MMBF;

Homestead/Butte T.S.: 377 acres, 8.370 MMBF; and

2T Thin Sale: 223 acres, 1.300 MMBF in one thinning project.

DATES: Written input concerning issues with this proposal must be received by January 31, 1992.

ADDRESSES: Submit written input to Quosatana Project Team Leader; Gold Beach Ranger District, 1225 S. Ellensburg, #7, Gold Beach, Oregon 97444.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and environmental impact statement to Quosatana Project Team Leader, Gold Beach Ranger District, 1225 S. Ellensburg, #7, Gold Beach, Oregon 97444 (telephone: (503) 247-6651).

SUPPLEMENTARY INFORMATION: The Skookumhouse Timber Sale includes units from the selected alternative of the Decision Notice for the Skookumhouse Environmental Assessment (EA) (Decision Notice signed 12/7/83) and additional harvest units not analyzed under previous EAs.

The Skookumhouse Timber Sale area is centered in section 12, Township 36 South, Range 13 West of the Willamette Meridian. It is located in the Bradford Creek watershed, which is tributary to the Rogue River.

The sale, as proposed, would consist of 11 units on 173 acres. Approximate volume (gross), as proposed, would be 4.253 million board feet. Timber removal would be accomplished by means of skyline, helicopter, and tractor yarding systems. Approximately 1.6 miles of new roads would be constructed. Dust abatement would occur on haul roads. Treatment of vegetative residue (slash) with the following methods may occur: Hand-pile and burn, lop and scatter, broadcast burn (low-intensity burning/burning of concentrations/burning under forest canopy). Fertilizers (natural/petrochemical) may be applied to man-made plantations created after harvesting during this project.

The proposed harvest units contain both old-growth and mature Douglas-fir in the overstory. Unit S17 contains Port-Orford-cedar (POC) in the overstory. Unit S18 has a mixture of tanoak, madrone, and Douglas-fir. The elevation of proposed harvest units ranges from 1000 to 3200 feet, with most of the acreage at approximately 2200 feet.

SKOOKUMHOUSE TIMBER SALE

Unit	Acres	Skyline (mbf)	Helicopter (mbf)	Tractor (mbf)
S8	3		769	
S9	2		101	
S10	6		107	
S11	6	385		
S12	8	34		
S13	10	213		
S14	8	154		
S18	38		647	
N7	48	1320		
N9	34	493		
N17	10			30
Subtotals	173	2599	1624	30

SKOOKUMHOUSE TIMBER SALE—Continued

Unit	Acres	Skyline (mbf)	Helicopter (mbf)	Tractor (mbf)

Total volume: 4,253 mbf.

All volumes are cruised and expressed as gross mbf.

The Homestead/Butte Timber Sale is a combination of units from the selected alternatives of the Decision Notices for the Butte Skyline EA (Decision Notice signed 6/29/77) and Skookumhouse EA (Decision Notice signed 12/7/83) and newly identified units not analyzed in previous EAs.

The Homestead/Butte Timber Sale area is centered in Section 25, Township 36 South, Range 13 West of the Willamette Meridian. It is located in the Quosatana Creek watershed, which is tributary to the Rogue River.

The sale as proposed would consist of 11 units. Preliminary volume is estimated at 8.370 million board feet from about 377 acres and would require approximately 3.92 miles of new road construction and approximately 0.38 mile of reconstruction.

The stands under consideration are predominantly old-growth and mature Douglas-fir, with some evergreen hardwoods. The block of old growth habitat that includes units B3, H19, and N11–15 is the largest remaining block in the Quosatana drainage, except for the units that became part of the former Quosatana SOHA 82. The elevation of proposed harvest units ranges from 800 to 2600 feet, with most of the acreage at approximately 1600 feet.

HOMESTEAD/BUTTE TIMBER SALE

Unit	Acres	Skyline (mbf)	Helicopter (mbf)
B2	25	430	.....
B3	35	1652	.....
B4	40	968	.....
H19	38	.....	1604
N1	20	690	.....
N10	30	265	.....
N11–15	189	2741	.....
Subtotals	377	6766	1604

Total Volume: 8,370 mbf.

All volumes are expressed as gross mbf.

The 2T Thin Timber Sale is the name of a thinning sale that would consist of 12 units of commercial thinning (low-intensity partial cutting) on approximately 223 acres, harvesting approximately 1.3 million board feet of timber. Timber removal would be by skyline yarding systems. 2.0 miles of road construction. The sale would focus on stands that already have road access. Treatment of vegetative residue, or slash, may occur following harvest. Fertilizers (natural/petrochemical) may be applied to remaining forest stands or the thinned stands.

This proposed timber sale timber is located near the headwaters of the Bradford and Quosatana Creek drainages. (Legal description: Township 36 South, Range 13 West, Section 28, Willamette Meridian).

Other Projects

Appendix B (Projected Budget) of the Siskiyou LRMP lists the following capital investment projects for the Quosatana and Bradford Creeks area. These projects are necessary to provide the level of outputs and services identified in the Forest Plan that pertain to the Quosatana/Bradford Area.

Wildlife:

Turkey Survey work in FY '91–'93.
The goal of this project is to identify potential turkey habitat in the Quosatana/Bradford Creek area.

Surveys for threatened, endangered, and sensitive wildlife and plant species in FY '91–93'.
The goal of this project is to identify the presence of threatened, endangered, and sensitive wildlife and plant species and their habitat in the Quosatana/Bradford Creek area.

Meadow Habitat Improvement in FY '93.
The goal of this project is to remove vegetation that is encroaching on meadows in the Quosatana/Bradford Creek area.

Fish:

Anadromous Fish structure Improvements (FY '92 & '93). Resident Fish non-Structural improvement in Quosatana and Bradford Creek.
The goals of these projects is to increase the quality of anadromous fish habitat in the Quosatana/Bradford Creek area.

In addition to the Appendix B projects other projects were identified during development of the proposal. These would be implemented to improve the quality of National Forest resources in the vicinity of the project area; these would include, but would not be limited to, the following:

Meadow enhancement.
Closure of roads (both existing and newly built roads).
Development of long-term quarry management plan.
Replacement of the existing culvert on Bradford Creek under the Agness Road.
Recreational trail development and maintenance.
Fish habitat enhancement.
Forage seeding for big game habitat.
Tree topping for cavity-dependent species.
Water source development for fire fighting.
Dispersed camping and the use of motor vehicles adjacent to Quosatana Creek.

The Siskiyou National Forest also gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

Preliminary Issues

1. Fish habitat for resident and anadromous fish in Quosatana and Bradford Creeks (spawning, rearing habitat; water temperature, clarity);
2. The quality of water draining into the Rogue River from Quosatana and Bradford Creeks.
3. The geologic stability of portions of the landscape.
4. The integrity of habitat for old-growth-dependent wildlife.
5. The biological diversity of the area.
6. Uninfected Port-Orford-cedar stands.
7. Forest resistance to wild fires; timber removal may increase the quantity of flammable vegetative material to a hazardous level.
8. The current roadless character of the area.
9. Recreationists camping near the mouth of Quosatana Creek.
10. The potential of the area to provide opportunities for outdoor recreationists.
11. Timber productivity in areas where reforestation may be difficult to achieve.
12. Wildlife habitat in an area currently designated as a rock quarry in Management Area 9 (Special Wildlife Site; see below).

The following aspects of the Proposal are of interest and would be assessed during the determination of effects:

Benefit: Cost Ratio.
Payments to Curry County from timber sale receipts.

The Quosatana/Bradford Creeks analysis area includes the following Management Areas (MAs), as identified in the Forest Plan.

MANAGEMENT AREAS

Management area No. and area	Drainage	Quosatana Cr. (acres)	Bradford Cr. (acres)	Percent of Area
5—Unique Interest	389	0		2
7—Supplemental Resource	400	53		2
8—Designated Wildlife Habitat	1,381	43		7

MANAGEMENT AREAS—Continued

Management area No. and area	Drainage	Quosatana Cr. (acres) / Bradford Cr. (acres)	Percent of Area
9—Special Wildlife Site	544	165	4
10—Scenic/Recreation River	101	19	1
11—Riparian	*	*	*
12—Retention Visual	240	112	2
13—Partial Retention Visual	363	1573	10
14—General Forest	10,923	240	58
Private Land within planning boundaries	2,485	144	
Total	16,826	2,349	

* Undetermined.

Estimated project area: 19,175 acres.

Roadless area in planning boundaries: 5,097 acres.

MA 5: 2 per cent is in the Unique Interest Area, designed to protect significant cultural sites or outstanding geological features on the Forest.

MA 7: 2 per cent is in the Supplemental Resource area flanking Quosatana Creek, designed to provide high-quality fish and wildlife habitat, and protect sensitive watershed areas and recreation values.

MA 8: 7 per cent is in Designated Wildlife Habitat for the pileated woodpecker and pine marten.

MA 9: 4 per cent is in Special Wildlife Sites, including meadows/meadow buffers, a small botanical area, a general wildlife site, a pond/bog, dispersed old-growth sites, rock outcrops, and hardwood areas.

MA 10: 1 per cent is in Scenic/Recreation River, designed to maintain the recreation and scenic values accorded the Rogue Wild and Scenic River.

MA 11: an undetermined percentage is in Riparian ecosystems where multiple uses are allowed while maintaining water, fisheries, and other streamside values.

MA 12: 2 per cent is in Retention Visual, designed to provide for a visually pleasing level of scenery while management activities occur.

MA 13: 10 per cent is in Partial Retention Visual, where management activities would be more evident to the average forest visitor than in Retention Visual, but where their presence would be visually subordinate to the landscape.

MA 14: 58 per cent is in General Forest (MA 14), where multiple-use activities occur and timber management is planned for full, sustained yield.

The Responsible Official for this proposal would be the Forest Supervisor. He would decide whether to implement the proposal or one of the alternatives, including the option of not implementing any action.

The proposed projects to be implemented are all located in the Quosatana Creek and Bradford Creek drainages and develop or use some common road systems. The project area is approximately 19,175 acres in size.

The proposed projects would be in compliance with the direction in the Forest Plan, which provides the overall guidance for management of the area and the proposed projects. The proposed projects would be implemented within the Quosatana Creek and Bradford Creek drainages from Fiscal Years 1992 through 1994 on the Gold Beach Ranger District. The Quosatana Creek and Bradford Creek drainages are located approximately 14 and 17 river miles northeast of Gold Beach, respectively. The Siskiyou National Forest invites written input concerning issues regarding the proposal in addition to comments already received as a result of local public participation activities.

The agency also gives notice of the full environmental analysis and decision-making process that would occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

This EIS would tier to the Final EIS and Forest Plan (3/10/89). The Forest Plan provides goals and objectives, forest-wide standards and guidelines, management area standards and guidelines, and management area prescriptions for the various lands on the Forest. This direction provides for management practices that would be utilized during the implementation of the Forest Plan.

The analysis for the Quosatana/Bradford Creek proposal would consider a range of alternatives. Along with the proposed action, the analysis would consider a no-action alternative in the Quosatana Creek and Bradford Creek drainages.

Public participation will be especially important at several points during the analysis, beginning with the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, local agencies and other individuals or organizations who may be interested in or affected by the proposed project. This input will be used in preparation of the draft EIS. The scoping process includes:

1. Identifying potential issues.
2. Identifying major issues to be analyzed in depth.
3. Identifying issues which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives based on issues recognized during scoping activities.
5. Identifying potential environmental effects of this project and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies, and partners.
7. Notifying interested publics of opportunities to participate through meetings, personal contacts, or written comment.

The Draft Environmental Impact Statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by March 6, 1992. At that time, EPA will publish a notice of availability of the draft EIS in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice of this early stage of public participation and of several court rulings related to public participation in the environmental review process.

First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could have been raised at the draft stage may be waived or dismissed by the court if not raised until after completion of the final EIS. *City of Angoon* v. *Hodel*, 803 F.2d. 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the Final EIS.

To be the most helpful, comments on the Draft EIS should be as specific as possible and may address the adequacy of the statement or the merit of the alternatives discussed (see Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

The Final EIS is scheduled to be completed by June, 1992. In the Final EIS, the Forest Service is required to respond to comments received during the comment period. Mike Lunn, Forest Supervisor, Siskiyou National Forest, 200 NE. Greenfield Road, P.O. Box 440, Grants Pass, Oregon 97526-0242, is the Responsible Official. As the Responsible Official he will decide which, if any, of the proposed projects will be implemented. The Responsible Official will document the decision and reasons for the decision in the Record of Decision.

That decision will be subject to Forest Service Appeal Regulations (36 CFR 217).

Dated: December 23, 1991.

J. Michael Lunn,

Forest Supervisor.

[FR Doc. 92-351 Filed 1-7-92; 8:45 am]

BILLING CODE 3410-11-M

Table Top Prospect Exploratory Oil and Gas Well; Intent To Prepare Environmental Impact Statement

AGENCY: USDA, Forest Service is the lead agency. USDI, Bureau of Land Management is a cooperating agency.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The Forest Service, along with the Bureau of Land Management as a cooperating agency, will prepare an Environmental Impact Statement for an exploratory oil and gas well proposed by Chevron USA, INC. on lands administered by the Evanston Ranger District of the Wasatch-Cache National Forest. The analysis will be tiered to the current Land and Resource Management Plan and associated Final Environmental Impact Statements.

DATES: Comments concerning the scope of the analysis should be received in writing by January 31, 1992.

ADDRESSES: Send written comments to Stephen Ryberg, District Ranger, Evanston Ranger District, P.O. Box 1880, Evanston, WY 82931-1880.

FOR FURTHER INFORMATION CONTACT: Bernard Asay, Evanston Ranger District, P.O. Box 1880, Evanston, WY 82931-1880, telephone number (307) 789-3194; or Barry Burkhardt, Wasatch-Cache National Forest, 125 South State Street, Salt Lake City, UT 84138. Telephone number (801) 524-6333 or (801) 524-5030.

SUPPLEMENTARY INFORMATION: Chevron, USA, Inc. has submitted a proposal to drill an exploratory oil and gas well on Chevron's Federal oil and gas lease U-54044 in Township 1 North, Range 10 East, NW1/4SE1/4 Section 21 (referred to as the Table Top Prospect). The proposed site is located in the Main Fork of the Stillwater drainage. The proposal includes the construction of an access road and a drill site approximately 300 feet by 475 feet. The drilling period is expected to last approximately six months. The Forest Service will prepare an environmental impact statement to evaluate potential environmental consequences associated with this proposal and alternatives to the proposal in accordance with the National Environmental Policy Act. With the passage of the Federal Onshore Oil and Gas Leasing Reform Act (FOOGLRA) and the implementing regulations (36 CFR part 228), the Forest Service was given the authority to approve the Surface Use Plan of Operations portion of the Application for Permit to Drill (APD) which includes the identification of mitigation measures deemed necessary to minimize impacts on other resource values or uses. The Forest Service decision related to the approval of the Surface Use Plan of Operations will be appealable under Forest Service Regulation 36 CFR part 217. The final approval of the APD is the authority of the Bureau of Land Management. Before it was determined whether an EIS would be prepared scoping was conducted in September and October of 1991. Comments already received will be included in the environmental impact statement preparation; duplicate copies need not be sent. Issues to be addressed in the analysis will be determined through public scoping. Susan Giannettino, Forest Supervisor, is the responsible official. The Bureau of Land Management has been identified as a cooperating agency. The draft EIS will be available in March, 1992. The Forest Service anticipates the Final EIS to be released in May, 1992.

When an Environmental Impact Statement is prepared, the Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could have been raised at the draft stage but are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, (9th Circuit, 1986) and *Wisconsin Heritoges, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider then and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Dated: December 27, 1991.

Susan Giannettino,

Forest Supervisor, Wasatch Cache National Forest.

[FR Doc. 92-290 Filed 1-7-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Transportation and Related Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held January 30, 1992, 9:30 a.m., Herbert C. Hoover Building, room 1617-F, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to transportation and related equipment or technology.

Agenda: General Session

1. Opening Remarks by the Chairman or Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Update on Latest Rounds of International Negotiations.
5. Discussion on Important Future Issues for the TRANSTAC.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue, NW., room 1621, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 28, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: January 3, 1992.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analyses.

[FR Doc. 92-397 Filed 1-7-92; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

[Docket No. 911171-1271]

Taking and Importing of Marine Mammals

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

ACTION: Notice of determination to accept an alternative international observer program.

SUMMARY: The Under Secretary for Oceans and Atmosphere has determined that the acceptable level of observer coverage for the observer program that is administered by the Inter-American Tropical Tuna Commission (IATTC) on behalf of Ecuador, Mexico, Panama, Vanuatu, Venezuela; and any subsequent harvesting nation which applies to NMFS for a yellowfin tuna importation finding, will be 75-percent observer coverage for fishing trips in the 1992 fishing season (October 1, 1991, to September 30, 1992), and 100-percent for fishing trips in the 1993 and subsequent fishing seasons.

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

FOR FURTHER INFORMATION CONTACT: E.C. Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, California 90731, or 213/514-6196.

SUPPLEMENTARY INFORMATION: In the 1988 reauthorization of the Marine Mammal Protection Act (MMPA), the U.S. Congress amended the Act to add new importation requirements for nations exporting to the United States yellowfin tuna that were caught with purse seine nets in the eastern tropical Pacific Ocean (ETP). The amendments required, among other things, monitoring of incidental dolphin mortality under the IATTC dolphin program or an equivalent international program in which the United States participates. Any equivalent program must achieve an observer coverage rate no less than that achieved by the U.S. fleet.

On October 18, 1990, NMFS published in the **Federal Register** (55 FR 42235) a notice of proposed determination to accept an alternative international observer program. The determination requires 75-percent observer coverage in 1991, and 90-percent coverage in 1992 and subsequent years. In another action, published October 8, 1991, at 56 FR 50672, NMFS redefined the fishing season to be the period October 1 to September 30, to allow a finding to be made by December 31 of each year. This affects the requirement for observer coverage (as described in the October 18, 1990, notice of proposed determination) by decreasing the time available for the fishing nations to implement the increased coverage level. NMFS is now determining that the international program is acceptable at a level of 75 percent observer coverage for fishing trips in 1992 and 100 percent for fishing trips in 1993 and for subsequent fishing seasons. Accepting a 75 percent level of coverage again for the 1992 fishing season will allow the nations involved to coordinate with the IATTC to train and embark sufficient observers to meet the new requirement.

This determination will require observer coverage as near to 100-percent as practicable in the near term, and 100-percent thereafter. A standard of 75-percent for the 1992 fishing season (October 1, 1991, to September 30, 1992), will provide a reasonable time for the IATTC to recruit and train the personnel necessary to implement an expanded international observer program and to complete the necessary institutional and funding arrangements with participating nations. The 100-percent standard is intended to apply to the 1993 and subsequent fishing seasons.

Since publication of the October 18, 1990, determination, two intergovernmental meetings have addressed the need for observer coverage of incidental dolphin mortality in the ETP. At the first meeting, in San Jose, Costa Rica, September 12-20, 1990, all participating nations agreed that an international program for the reduction of incidental mortality of dolphins caught in association with tuna in the ETP would be established and that 100-percent observer coverage would be part of this program. At the second intergovernmental meeting, in La Jolla, California, January 16-18, 1991, each country agreed to contribute or ensure that each vessel in its fleet contribute the sum of $10 per vessel-ton carrying capacity per annum to the IATTC for the purpose of implementing the international observer program. Although that program is not yet established, the participating nations have agreed by consensus that 100-percent observer coverage is needed, and have developed a funding mechanism for that program.

In issuing this determination NMFS has considered comments on the determination published in the **Federal Register** on October 18, 1990. Two letters of comment were received as a result of the request for comment. Both expressed concern that the proposed levels of coverage (75-percent observer coverage for the international fleet in 1991 and 90-percent observer coverage for this fleet in 1992), were not consistent with the international consensus of the intergovernmental/IATTC resolutions of September 1990, and the findings of Congress in the MMPA. One comment also expressed concern that the United States and international fleets are not able to function in an equitable manner, and the

international fleet is denied the same opportunities as the U.S. fleet to participate in the "dolphin safe" markets throughout the world if there is not 100-percent observer coverage.

NMFS agrees that an observer level of 100-percent is the most desirable, but NMFS also realizes that 100-percent coverage is not possible in the near term, and has decided that 75-percent observer coverage for the 1992 fishing season is acceptable; 100-percent observer coverage is the intended level of coverage for the 1993 and subsequent fishing seasons. International negotiations are proceeding to provide the $1.2 million necessary to implement a 100-percent observer coverage program. As stated in the October 18, 1990, determination, it will take approximately 8 months after the funding is arranged to recruit and train new observers, making it impossible to achieve 100-percent, or even 90-percent, coverage in 1991, but 75-percent coverage will be possible during the 1992 fishing season. The fishing season has recently been re-established to allow findings to be made by December 31 of each year. A final determination of the level of observer coverage was originally intended to be published early in 1991 for the 1991 fishing season. However, under the new regulations, since the 1991 fishing season ended September 30, 1991, the observer requirements are being implemented to begin with the new fishing season. NMFS believes that this level of coverage is consistent with the MMPA and international resolutions.

Further, NMFS believes that by adhering to this observer program and striving for 100-percent coverage, the foreign fleet is afforded the same opportunity as the U.S. fleet to participate in the world market for all tuna, whether "dolphin safe" or not. NMFS regulations allow imports to the U.S. market from nations that have acted to prohibit purse seine sets on marine mammals, i.e., "dolphin safe", that require 100-percent observer coverage, and provide for serious penalties for non-compliance.

Determination

The Under Secretary for Oceans and Atmosphere, NOAA, determines to continue to accept an alternate foreign observer program for the 1992 fishing season and subsequent calendar years. The determination establishes observer coverage of 100-percent as a goal, but accepts 75-percent observer coverage for the 1992 fishing season, with 100-percent coverage in subsequent years. If the 100 percent coverage requirement is not met in 1993 or subsequent fishing seasons, a complete explanation for the deficiency must be provided along with a statement of what sanctions have been imposed on the offending vessel owner or owners.

This determination is based on a finding that the IATTC's observer program will provide sufficiently reliable documentary evidence of the average rate of dolphin mortality by a harvesting nation if the observer coverage for a nation is at least 75-percent of the fishing trips on an annual basis.

Dated: January 2, 1992.

Michael F. Tillman,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 92-277 Filed 1-7-92; 8:45 am]

BILLING CODE 3510-22-M

Atlantic Bluefin Tuna Fishery

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

ACTION: Notice of public meeting.

SUMMARY: NMFS will hold a scoping meeting that will be open to the public. The purpose of the meeting is to discuss recent measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) concerning the Atlantic bluefin tuna fishery and to provide NMFS with public views on possible plans for domestic implementation of management measures.

EFFECTIVE DATE: See "**SUPPLEMENTARY INFORMATION**" for date and time of the meeting.

FOR FURTHER INFORMATION CONTACT: Richard Stone, 301-427-2347, Kathi Rodrigues, 301-427-2337, or Rod Dalton, 813-893-3161.

SUPPLEMENTARY INFORMATION: The public meeting is being held to provide an opportunity for informal discussion between the various constituency representatives and the NMFS on Atlantic bluefin tuna management. Because the meeting is not a public hearing, and to provide an opportunity for in-depth discussion, NMFS urges that associations and groups limit their participation to one or two representatives.

The public meeting is scheduled as follows:

January 10, 1992, 6 p.m.—National Marine Fisheries Service, 3500 Delwood Beach Road, Panama City, Florida.

Dated: January 3, 1992.

David S. Crestin,

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

[FR Doc. 92-381 Filed 1-7-92; 8:45 am]

BILLING CODE 3510-22-M

Endangered Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Modified Permit No. 578 (P77#21) (Modification No. 1).

Notice is hereby given that pursuant to the provisions of §§ 216.33(d) and (3) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), and § 220.24 of the Regulations Governing Endangered Species (50 CFR part 217-222), Scientific Research Permit No. 578 was issued to the National Marine Mammal Laboratory, National Marine Fisheries Service, on January 16, 1987 (52 FR 3037). The Permit has been modified to extend its duration through April 30, 1992. All other conditions currently contained in the Permit remain in effect.

This modification is effective on January 1, 1992.

Documents submitted in connection with Permit No. 578 and Modifications are available for review in the following offices:

By appointment: Office of Protected Resources, NOAA, National Marine Fisheries Service, 1335 East-West Highway, room 7330, Silver Spring, Maryland 20910 (301-713-2289);

Director, Alaska Region, National Marine Fisheries Service, NOAA, 709 West 9th Street, Federal Bldg., Juneau, Alaska 99802 (907-586-7221); and

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115 (206-526-6150).

Dated: December 31, 1991.

Nancy Foster,

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

[FR Doc. 92-399 Filed 1-7-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

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

ACTION: Modification to Below-Listed Permits: Theater of the Sea, Permit Nos. 69 and 326 (P92 and P92B). Dolphin Research Center, Permit No. 514 (P53B). Dolphins Plus, Inc., Permit Nos. 292 and

577 (P234 and P234A). Hyatt Regency Waikoloa Resort, Permit No. 625 (P407).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Special Conditions on swim-with-the-dolphin (SWTD) programs that apply to Public Display Permit Nos. 69 and 326 issued to the Theater of the Sea, Islamorada, Florida; Permit No. 514 issued to the Dolphin Research Center, Marathon, Florida; Permit Nos. 292 and 577 issued to Dolphins Plus, Inc., Key Largo, Florida; and Permit No. 625 issued to the Hyatt Regency Waikoloa Resort, Waikoloa, Hawaii, are modified by deleting Special Condition D.1 and substituting the following:

D.1. The Permit Holder is authorized to use dolphins in an experimental human/dolphin swim program until June 30, 1993. The National Marine Fisheries Service (NMFS) may modify, suspend, or revoke this authority before June 30, 1993, if the SWTD programs are found to have an adverse impact on the health or well-being of the animals, if an ongoing review of public display permit authorities, procedures, and criteria results in new regulations that disallow such programs, or if the terms of the conditions that follow are not met.

This modification extension is necessary to allow time to complete a research study on dolphins that are used in SWTD programs. The purpose of the study is to determine how the participation in these programs may affect the dolphins' health and behavior, and the results will provide a basis for deciding the future of the SWTD programs.

Documents concerning the above modification and permits are available for review by appointment in the Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, room 7330, Silver Spring, Maryland 20910, (301) 713-2289.

This modification is effective on January 1, 1992.

Dated: December 31, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92-400 Filed 1-7-92; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Regulatory Coordination Advisory Committee Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 section 10(a) and 41 CFR 101-6.1015(b), that the Commodity Futures Trading Commission's Regulatory Coordination Advisory Committee will conduct a public meeting in the Lower Level Hearing Room (B-1) at the Commission's Washington, DC headquarters located at room 532, 2033 K Street, NW., Washington, DC 20581, on January 22, 1992, beginning at 1:30 p.m. and lasting until 5 p.m. The agenda will consist of:

Agenda

1. Progress Report on International Issues from Office of General Counsel:
   a. Status of purchase and sale of foreign stock index futures contracts by U.S. entities.
   b. Status of other Issues.
2. Report from the Division of Economic Analysis regarding:
   a. Guideline 1.
   b. Large Trader Reporting System.
   c. Exemptions from Speculative Limits.
3. Report from the Division of Trading and Markets regarding:
   a. Rulemaking pertaining to an accredited investor exemption and bifurcated risk disclosure.
   b. Clearing and Settlement issues.
4. Follow-up on issues discussed at earlier Committee meetings:
   a. Allocation of trades.
   b. CTI codes.
   c. Performance reporting/notional funds.
5. New Issues:
   a. Pension Fund Issues/Large Order Execution.
   b. Other Issues.
6. Other items for Committee consideration; additional working groups; timing of next meeting; other Committee business.

The purpose of this meeting is to solicit the views of the Committee on these agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of advising the Commission on ways to improve coordination and to facilitate cross market transactions, including cross border transactions. The purposes and objective of the Advisory Committee are more fully set forth in the April 16, 1990 Charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, CFTC Chairman Wendy L. Gramm, is empowered to conduct the meeting in a fashion that will, in her judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: the Commodity Futures Trading Commission Regulatory Coordination Advisory Committee, c/o Ms. Kate Hathaway, 2033 K Street, NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Ms. Hathaway in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC on January 6, 1992.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-501 Filed 1-7-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-00XX; FAR Case 91-56]

OMB Clearance Request for Research and Development Contracting

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement concerning Research and Development Contracting.

DATES: Comments may be submitted on or before March 9, 1992.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501-4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

FAR part 35 provides policies and procedures for use of research contracts. When contracts are awarded for research, contractors have certain contractual obligations. FAR 52.235-XX,

Frequency Authorization, requires contractors to obtain frequency authorization for radio frequencies required in support of the research effort. FAR 52.235–XX, Acknowledgment of Support and Disclaimer, requires contractors to acknowledge the research was conducted under a Government contract and that the opinions in the article are those of the author. FAR 52.235–XX, Progress Reports, requires contractors to submit annual progress reports. FAR 52.235–XX Final Scientific or Technical Report Requirements, requires contractors to submit a final scientific or technical report on research conducted. FAR 52.235–XX, Dissemination of Project Results, requires contractors to provide two reprints of any articles published.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 27,000; responses per respondent, 1; total annual responses, 27,000; preparation hours per response, 629; and total response burden hours, 17,000.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Clearance Request [OMB Control No. 9000–00XX], for FAR case 91–56, Research and Development Contracting, in all correspondence.

Dated: December 24, 1991.

Laurie A. Frazier,

FAR Secretariat.

[FR Doc. 92–289 Filed 1–7–92; 8:45 am]

BILLING CODE 6820–JC–M

[OMB Control No. 9000–0075; FAR Case 91–58]

OMB Clearance Request Concerning Government Furnished Property Requirements

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice; request for an amendment to OMB Control No. 9000–0075.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request for an amendment of a currently approved information collection requirement concerning Government Furnished Property Requirements.

DATES: Comments may be submitted on or before March 9, 1992.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:.

A. Purpose

FAR 45.505–14, Reports of Government Property, is being revised to mandate that contractor property control systems provide annually the total acquisition cost of Government property for which the contractor is accountable under each contract with each agency, including Government property at subcontractor plants and alternate locations, by specified classifications. In addition, the following four classifications have been added to the existing list: Special tooling, special test equipment, material, and agency peculiar property.

B. Annual Reporting Burden

It is Government policy that property to support Government programs be provided by the private sector to the maximum extent possible. Recent reviews reveal that certain types of Government-owned property have been increasing and that Government attempts to phase-down Government ownership has not been fully successful. Reviews have also concluded that millions of dollars are being needlessly expended annually by not disposing of nonessential property. Consequently, the Government has determined that more discipline is needed in the implementation of existing policies and that additional policies are needed for the management of Government property provided to contractors. This information will be used by property administrators for visibility and control purposes.

The information collection requirement contained in this FAR amendment was initially approved by the Office of Management and Budget (OMB) under OMB Control Number 9000–0075. A revised Paperwork Reduction Act Analysis depicting this proposed rule amendment is being submitted to OMB for review.

The annual reporting burden is estimated as follows: Respondents, 18,750; responses per respondent, 10; total annual responses, 187,500; preparation hours per response, 1.25; and total response burden hours, 234,375.

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, 10,000; hours per recordkeeper, 40; and total recordkeeping burden hours, 400,000. The total annual burden requested is 634,375. This is a program change of 243,875.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0075, FAR case 91–58, in all correspondence.

Dated: December 24, 1991.

Laurie A. Frazier,

FAR Secretariat.

[FR Doc. 92–291 Filed 1–7–92; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the U.S. Army Reserve Command Independent Commission

ACTION: Notice.

SUMMARY: The U.S. Army Reserve Command Independent Commission was established as a Department of Defense federal advisory committee on December 19, 1991, pursuant to section 903, Public Law 101–510, the "National Defense Authorization Act for Fiscal Year 1991."

The Commission will assist the Secretary of the Army in assessing the progress and effectiveness of the Army Reserve Command since its inception, and any changes needed to improve readiness, operations, and mission capabilities as well as resource implications associated with recommended alternative courses of action.

For further information, please contact Ms. Sandy Riley, Office of the Administrative Assistant to the Secretary of the Army, telephone: 703–697–6900.

Dated: January 2, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–368 Filed 1–7–92; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

George W. Miller; Availability of Patent License

Pursuant to the provisions of part 404 of title 37, Code of Federal Regulations, which implements Public Law 96-517, the Department of the Air Force announces the availability of an exclusive or partially exclusive domestic license under United States Letters Patent No. 4,813,979, which matured from application Serial No. 07/151,383 filed 2 February 1988 in the names of George W. Miller and Clarence F. Theis for "Secondary Oxygen Purifier for Molecular Sieve Oxygen Concentrator" and/or United States Letters Patent No. 4,880,443, which matured from application Serial No. 07/288,315, filed 22 December 1988 in the names of George W. Miller and Clarence F. Theis for "Molecular Sieve Oxygen Concentrator with Secondary Oxygen Purifier".

All communications concerning this Notice should be sent to: Mr. Donald J. Singer, Chief, Patents Division, Air Force Legal Services Agency, HQ AFLSA/JACP, 1900 Half Street, SW. Washington, DC 20324-1000, Telephone No. (202) 475-1386. Copies of these patents may be obtained, on request, from the same addressee.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-287 Filed 1-7-92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Record of Decision To Construct Support Facilities for the Existing Relocatable Over-the-Horizon Radar System on Amchitka Island, AK

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR part 1500-1508), the Department of the Navy announces its decision to construct improvements to the base camp for the existing relocatable over-the-horizon radar (ROTHR) system on Amchitka Island, Alaska. This action was identified as Phase 1 of the preferred (both operationally and environmentally) alternative discussed in the Draft Environmental Impact Statement (DEIS) that was distributed to the public on September 7, 1990. Since distribution of the Final Environmental Impact Statement (FEIS) to the public on March 1, 1991, the phasing of the proposed action has changed and the immediate scope of the project has been reduced. The original proposal included base camp improvements (Phase 1), site preparation work for a second ROTHR system (Phase 2), and installation of a second ROTHR system (Phase 3). The proposal to be implemented only includes some of the Phase 1 projects. No decision has been reached regarding the implementation of remaining Phase 1 projects, Phase 2, or Phase 3 at this time. Appropriate environmental documentation will be prepared, and decisions regarding these phases, will be made at a later time.

As discussed in the FEIS, Phase 1 projects to be implemented will involve constructing improvements at the Base Camp serving the existing ROTHR system, and at the existing receiver site. Projects to be implemented include removal of the deteriorating existing pier and replacement with a new pile supported pier; renovation of the existing waterfront operations building, and fire protection salt water pump; construction of a new water supply system, hazardous waste storage and transfer building, and vehicle maintenance and storage facility; and construction of a new sewage system, including a new sewage lagoon.

Alternatives considered included the no action alternative and implementing the proposed base camp improvements. The no action alternative was rejected because improvements to the base camp are needed to prevent environmental degradation, and improve living conditions for personnel stationed at the existing ROTHR system. Sites selected for all improvements are on areas previously disturbed by World War II, the Atomic Energy Commission, and Navy occupation of the island, and were selected to minimize further environmental impacts.

Construction activities for projects to be implemented including various buildings and improvements on existing hardstands an access roads, will cause disturbance to about 1.5 acres of wetland tundra. This fill is authorized by a Corps of Engineers Nationwide Discharge Permit. About 0.5 acres of wetlands will be disturbed during the installation of pipelines; this area will be restored in place to its natural state upon installation of the pipelines; the remaining 1 acre of wetlands disturbed would be unavoidably filled during construction activities. To mitigate this wetland fill in accordance with the Navy wetland protection policy, about 1 acre of emergent wetlands will be constructed on Runway Fox by lowering the existing grade and installing water control structures. This will result in no net loss of Navy wetlands. Erosion control measures as set forth in the Erosion Control Plan (appendix A of the FEIS) will be implemented to protect water quality.

The federally protected endangered Aleutian Canada goose and Stellar sea lion are resident on Amchitka Island during portions of the year. The U.S. Fish and Wildlife Service has reviewed the biological assessment on the Aleutian Canada goose and concurs that the Phase 1 projects to be implemented would not adversely affect the populations or habitat of this species. The National Marine Fisheries Service has concluded that the Phase 1 projects to be implemented would not adversely affect populations of the Stellar sea lion.

A wide variety of archaeological and historic resources occur on Amchitka Island from prehistoric time through the early Russian occupation and into modern time. Some of these resources are known to be in close proximity to planned development activities. The Navy has reached an agreement in principal with the Alaska State Historic Preservation Officer addressing the need for consultation on a site by site basis being completed prior to site disturbance as projects related to this decision are implemented. This site by site consultation will be completed for each project prior to its implementation.

The Navy filed a DEIS on September 7, 1990, for this project and held a public hearing in Anchorage, Alaska, on September 26, 1990. In addition to comments delivered from one individual at this hearing, twelve letters were received from public agencies. Comments in general centered on the effects Phases 2 and 3 would have on water quality, air quality, vegetation, wetlands, wildlife, and cultural resources. The Navy filed a FEIS on March 1, 1991.

The Navy believes that there are no outstanding issues to be resolved with respect to Phase 1 projects to be implemented. Questions regarding the environmental impact statement prepared for this action may be directed to Commanding Officer, Engineering Field Activity Northwest, Naval Facilities Engineering Command, 3505 Anderson Hill Road NW., Silverdale, WA 98383 (Attn: Mr. Joe DiVittorio), telephone (206) 476-5773.

Dated: January 1, 1992.

Elsie Munsell,

Deputy Assistant Secretary of the Navy (Environment and Safety).

[FR Doc. 92-396 Filed 1-7-92; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

President's Advisory Commission on Education Excellence for Hispanic Americans; Meeting

AGENCY: President's Advisory Commission on Educational Excellence for Hispanic Americans, Education.

ACTION: Notice of meeting (partially closed meeting).

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Advisory Commission on Educational Excellence for Hispanic Americans. This notice also describes the functions of the Commission. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: January 17, 1992–1 p.m. to 5 p.m. and January 18, 1992–8:30 a.m. to 1 p.m.

ADDRESSES: The Ritz-Carlton Hotel, 2100 Massachuesetts Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Florez, Executive Director, White House Initiative on Educational Excellence for Hispanic Americans, U.S. Department of Education, Washington, DC 20202. Telephone: (202) 401–0747.

SUPPLEMENTARY INFORMATION: The President's Advisory Commission on Educational Excellence for Hispanic Americans is established under Executive Order 12729.

The Commission is established to advise the Secretary of Education on the educational status of Hispanic Americans, including the progress of Hispanic Americans towards achievement of the national educational goals, and on Federal efforts to promote quality education for Hispanic Americans.

On January 17, the Commission will meet in a closed session from 1 p.m. to 5 p.m. During the closed portion of the meeting the Commission will review and discuss resumes and qualifications of applicants for two staff positions. This discussion will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemption (6) of section 552b(c) of title 5 U.S.C.

On January 18, the Commission will meet in an open session from 8:30 a.m. to 1 p.m. The agenda will be the development and adoption of the Commission Workplan and Calendar of Activity for the next three months.

The public is being given less than fifteen days notice because of changes in the agenda.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Commission proceedings, and are available for public inspection at the office of the White House Initiative on Educational Excellence for Hispanic Americans, 400 Maryland Avenue, SW., room 2149, Washington, DC 20202–6135 from the hours of 8:30 a.m. to 5 p.m.

Dated: January 2, 1992.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 92–322 Filed 1–7–92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

FY92 Program Solicitation No. DE-PS22-92MT92003 entitled "Support of Advanced Fossil Resource Utilization Research at Historically Black Colleges and Universities (HBCUs)"; Restricted Eligibility

AGENCY: U.S. Department of Energy, Pittsburgh Energy Technology Center, Metairie Site Office (MSO).

ACTION: Notice of restricted eligibility.

SUMMARY: The U.S. Department of Energy (DOE), Pittsburgh Energy Technology Center (PETC) announces that pursuant to 10 CFR 600.7(b)(1), and in support of the Metairie Site Office (MSO), it intends to conduct a competitive Program Solicitation No. DE–PS22–92MT92003 and to award, on a restricted eligibility basis, financial assistance (grants) to U.S. Historically Black Colleges and Universities (who can show evidence of a collaborative effort with industry), in support of innovative research and advanced concepts pertinent to fossil resource conversion and utilization. Proposals will be subjected to a comparative merit review by a DOE technical panel, and awards will be made to a limited number of proposers on the basis of the scientific merit of the proposal, application of relevant program policy factors, and the availability of funds.

Supplemental Data

Scope: The Department of Energy seeks proposals from Historically Black Colleges and Universities (HBCUs) and HBCU-affiliated research institutes (in collaboration with the private sector) for innovative research and advanced concepts pertinent to fossil resource conversion and utilization. The resultant grants are intended to maintain and upgrade educational, training and research capabilities of our HBCUs in the fields of science and technology related to fossil energy resources; to foster private sector participation, collaboration and interaction with HBCUs; and to provide for the exchange of technical information and to raise the overall level of HBCU competitiveness with other institutions in the field of fossil energy research and development. Thus, the establishment of linkages between the HBCU and private sector fossil energy community are critical to the success of this program, and equally consistent with the Nation's goal of ensuring a future supply of fossil fuel scientists and engineers from a previously under-utilized resource.

Eligibility for participation in this Program Solicitation is restricted to Historically Black Colleges and Universities (HBCUs) and HBCU-affiliated research institutes, and only those that meet all of the following criteria may submit applications in response to this solicitation: the Principal Investigator or a Co-Principal Investigator must be a teaching professor at the submitting university listed in the application; and at least one student registered at the university is to be compensated for work performed in the conduct of research proposed in the application; and each HBCU applicant must reflect collaboration with industry, i.e. the private sector. Proposals from HBCU-affiliated research institutes must be submitted through the college or university with which they are affiliated. The university (not the university-affiliated research institute) will be the recipient of any resultant DOE grant award.

A small or large business enterprise will qualify as a "private" sector entity; however, the following are specifically excluded from recognition as private sector collaborators: Federal, state and/or local government agencies and non-HBCU colleges and universities. Collaboration by the private sector with the HBCU may be in the guise of cost sharing, consultation, HBCU-access to industrial facilities or equipment, or as a subgrantee/subcontractor to the HBCU.

Areas of Interest: To develop a focused national and regional program of HBCU research on fossil technology and resources, the Department is particularly interested in innovative research and advanced concepts pertinent to fossil resource conversion

and utilization limited to the following eleven (11) technical topics. Some examples of subtopics in each category are also given (note that these examples are generally not all inclusive):

(1) Advanced Fossil Resource Utilization

Grant applications in support of advanced fossil resource utilization are sought for the following subtopics: Improved technology for syncrude from oil shales in the areas of (1) mining and material handling, (2) retorting/extraction, and (3) upgrading/refining; improved recovery effectiveness in tar sands reservoirs, i.e, innovative approaches to enable wider resource applicability and process efficiency; development of low cost, corrosion/contaminant resistant materials for high performance fuel cell systems, such as methods for lowering the costs of fuel cells, improving the system's maturity, and improving the resistance of the fuel cell components to gas stream contaminants; upgrading gasification and mild gasification processes utilizing catalyst systems, separation concepts, and integrated reaction mechanisms that would permit multiple reactions to occur in a single reactor and applications that initiate or advance the development of novel techniques for the production of synthesis gas for use with "indirect liquefaction" processes from various coals and coal-based char that promise to provide significant improvement in the production costs.

(2) Advanced Environmental Control Technology for Coal

Grant applications in support of advanced environmental control technology for coal are sought for the following subtopics: Coal preparation, i.e., the development of improved coal cleaning technologies through physical, physicochemical, chemical, or biological methods; hot gas stream cleanup, i.e, techniques for (1) removing physical and chemical contaminants to levels that are compatible with diesel, gas turbine, and fuel cell systems, (2) reducing emissions to levels below the promulgated standards for pulverized coal boilers, and (3) reducing gas stream contaminants to levels that are compatible with liquids production; advanced high efficiency emissions control systems that are simple to construct, operate, and maintain, and capable of removal efficiencies of a minimum of 90% for NO_x and CO_2 and 95% for SO_2; waste management, i.e, development of novel uses for coal-derived residues from the sulfur capture wastes produced in fluidized-bed combustion, limestone injection multistage burners, advanced flue gas cleaning, or gasification processes.

(3) Coal-Based Alternative Fuels Technology

Grant applications in support of advanced environmental control technology for coal are sought for the following subtopics: Coal-based mixtures, i.e. the utilization of coal-based mixtures that will lead to a better understanding of coal surface chemistry and mixture rheology and that will provide for high solids loading, efficient atomization, or a more predictable mixture behavior from the standpoints of stability and controlled viscosity over extended time periods, without the need for constant monitoring and control; or advanced characterization techniques development, i.e., advanced, novel techniques to characterize alternative fuels, their combustion behavior, and resultant wastes and emissions, including (1) physical and chemical properties of ash and (2) fouling and slagging.

(4) Advanced Coal Utilization

Grant applications in support of advanced coal utilization are only sought for the following subtopics: Advanced coal combustion systems, i.e., the direct combustion of pulverized coal or other dry, liquid, or slurry coal-based fuels in either slagging or non-slagging systems other than fluidized beds and heat engines, with focus on enhanced overall system performance/lower capital, operating, and maintenance costs, reduced emissions via combustion zone modifications, increased efficiency, and expanded markets; fluidized bed combustion (FBC), i.e., innovative research for both atmospheric and pressurized FBCs to (1) reduce capital, operating, and maintenance costs of FBC systems, (2) improve solids handling, (3) improve environmental performance, (4) improve reliability and operability of critical FBC system components, (5) develop instrumentation for characterization of FBC parameters, and (6) integrate FBCs with other components to improve the economics of small FBC systems; heat engines including both coal-fuel diesel engines and gas turbines, i.e., for novel integrated approaches for coal-fuel diesels to (1) develop fuel injection techniques, (2) develop novel low cost emissions control techniques for NO_x, SO_x, and particulates, and (3) improve engine efficiency through in-cylinder techniques.

(5) Coal Liquefaction Technology

Grant applications in support of coal liquefaction technology are only sought for the following subtopics: Advanced concepts for conversion of coal to liquids, i.e., novel catalysts or reaction chemistry to remove oxygen in the initial stages of direct coal liquefaction with minimal or reduced hydrogen consumption, preconversion processing, or instrumentation or analytical methods to (1) measure chemical reactions in situ, (2) determine the effect of chemical and physical pretreatments on the coal structure, or (3) measure accurate process stream flows and compositions; advanced concepts for conversion of syngas to liquids, i.e., improved methods of methanol synthesis and of novel single step processes for producing gasoline and diesel hydrocarbons, simpler routes to higher alcohols and ethers that can be used as octane enhancers, novel catalyst systems to facilitate the desired reaction sequences, process schemes which make more effective use of heat generated in synthesis, novel systems which convert syngas directly into liquids or liquid precursors, and improved instrumentation and analytical techniques that allow on-line determination of process stream composition or improve catalyst characterization; coal-oil coprocessing, i.e., better understanding the chemistry of interaction between the residue and the coal, improved demetallization, or novel techniques for hydrogen production from various coals and coal-based chars for use in direct liquefaction; advanced catalysts, i.e., enhanced depolymerization reactions while repressing the condensation reactions, improved methods for solids removal from coal reaction products, recovery of dispersed catalysts and activation of the recovered catalysts, and for supported catalyst for promoting distillate production after initial dissolution that have higher reactivity and lower rates of deactivation from either coke or metals, or both.

(6) Biotechnology for Fossil Energy

Grant applications in support of biotechnology for fossil energy are only sought for the following subtopics: Beneficiation of coal resources, i.e., studies/application of biotechnology to remove organic and inorganic contaminants from typical U.S. coals at mild operating conditions; biotechnologies with the ability to (1) selectively modify the surface properties of the contaminants, thereby enhancing the effectiveness of physical beneficiation with minimal energy loss, (2) degrade sulfur-containing molecules in the resource, followed by release of the sulfur as sulfate or other disposable

residue, (3) solubilize or release ash-forming materials, or (4) selectively attack nitrogen-and oxygen-containing molecules so that their removal is made simple; conversion of fossil energy resources, i.e. (1) types of biotechnical resource modification that include conversion of fossil energy resources to liquid or gaseous fuels, viscosity reduction of high viscosity materials, or release of organic materials bound in inorganic matrices, (2) microorganisms, enzymes, or other products of microorganisms that have the ability to modify the structure of fossil energy resources and result in a fuel form that is more amenable to utilization, or requires minimum upgrading or processing, and (3) research on biochemical mechanisms by which these conversions occur; bioreactors and bioprocess efficiency, i.e., improved approaches for bioprocessing fossil resources (or their products); enhanced oil and gas recovery, i.e., development of processes using microorganisms or their products in the recovery of light and heavy oils or natural gas from low producing fields.

(7) Enhanced Oil Recovery (EOR)

DOE seeks innovative methods and concepts that will contribute to more efficient, effective, and economical techniques for the recovery of domestic oil in declining fields. Better reservoir understanding and engineering design of all of these operations (primary, secondary, and EOR) is needed to increase domestic oil production. Reservoir characterization is the most important means of understanding the reservoir. Its two main facets—defining the anatomy of the reservoir and determining how that anatomy governs fluid movement—are requisite to any improvements in oil recovery strategy.

Grant applications in support of enhanced oil recovery are only sought for the following subtopics: Recovery of light oil, i.e., sweep improvement for enhanced oil recovery (EOR) processes, novel surfactants for high salinity, high hardness, and high temperature reservoir brines; recovery of heavy oil, i.e., novel techniques to reduce wellbore heat losses using an effective, inexpensive insulating fluid in the tubing-casing annulus, measure the downhole steam quality to determine wellbore heat loss and thus to allow design of better production operations, and to improve the effective sweep of the reservoir by reducing the effects of overriding gravity segregation, insufficient mobility control, and heterogeneities; oil-field geoscience, i.e., novel methods of characterization to quantify reservoir parameters, techniques to interpret dispositional, diagenetic, or structural features of reservoirs for prediction of the spatial distribution of heterogeneities and their influence on fluid flow within known oil reservoirs, novel improvements in instrumentation for use in characterization of known hydrocarbon reservoirs, innovative techniques for computer modeling of reservoir heterogeneities and reservoir/fluid interactions, and the development of oil data bases and oil atlas compilation and reservoir classification.

(8) Advanced Technology for the Recovery of Natural Gas

Grant applications in support of advanced technology for the recovery of natural gas are only sought for the following subtopics: Advanced geotechnology in production applications, i.e., innovative approaches to improve the recovery of original gas in place and/or inexpensive new geotechnical approaches or concepts to restore the flow rate of old gas wells, including (1) novel completion (or re-completion) and stimulation techniques to improve resource recovery, (2) improved directional drilling equipment so that wells can be designed to cross the natural fracture network that is determined to be present in situ, (3) diagnostic tool development (measurement while drilling) for operation in long, horizontal wellbores, (4) stimulation techniques effective in horizontal and high angle wells (including from old wells), (5) advancements in lateral drilling and/or near-wellbore stimulation to enhance deliverability from gas storage reservoirs, (6) conservation techniques in the production and distribution of natural gas, (7) methodologies for strategic infill drilling to increase recovery of original gas in place, (8) techniques for restoration of flow rates in stripper gas wells, (9) methodologies for recovering and transporting natural gas (including subquality gas) from remote locations, and (10) systems studies for optimizing natural gas utilization at the wellhead or for reducing costs of natural gas acquisition to the ultimate user; advanced instrumentation and interpretation techniques for locating and characterizing natural gas resources, i.e., advanced instrumentation and interpretation techniques for locating and characterizing gas reservoirs, including hydrates and deep gas, to improve resource recovery and to increase reserves, and the development of gas data bases and gas atlas compilation and reservoir classification into an easily accessible information repository; advanced concepts for natural gas conversion to liquids, i.e., advanced concepts for conversion of natural gas to liquids including catalytic and noncatalytic processes (with emphasis on the latter) for converting natural gas to liquid fuels.

(9) Advanced Environmental Considerations in the Recovery and Processing of Oil, Natural Gas, and Oil Shale

Grant applications in support of advanced environmental considerations in the recovery and processing of oil, natural gas, and oil shale are sought for the following subtopics: Advanced environmental considerations in the recovery and processing of oil and gas, i.e., (1) technology for the management of wastes generated during drilling, production, and processing, (2) research relates to naturally occurring radioactive materials (NORM) in drilling and production operations, (3) methodologies for drilling, producing, and transporting oil and gas from wetlands, offshore, arctic, and other sensitive areas in an environmentally acceptable manner, (4) improved technologies for more cost-effective protection of drinking water aquifers, (5) development of environmental, regulatory, and operational data management and geographic information systems for drilling and production operations, to assist states and Federal agencies in developing and implementing risk-based regulatory programs and to assist operators in lowering their costs of environmental compliance while providing better environmental protection, (6) research related to air emissions from drilling, production, distribution, and processing operations, (7) methodologies for evaluating and controlling methane emissions from gas production and distribution operations and their contribution to global climate change, (8) techniques for economic conversion of small quantities of naturally occurring gases to usable or environmentally benign products or for separation of naturally occurring gases, (9) evaluation of the environmental impacts and mitigation strategies for advanced recovery technologies, and (10) innovative techniques for the transfer of environmental compliance technologies to the oil and gas industry; advanced environmental considerations in the recovery and processing of oil shale, i.e., novel methods of assessing the potential environmental impact of solid waste disposal, novel methods of mitigation/control of disposed solid waste, and novel methods of dealing with the liquid

effluent from oil shale beneficiation processes.

(10) Heavy Oil Upgrading and Processing

Grant applications in support of heavy oil upgrading and processing are sought for the following subtopics: Improved understanding of the chemistry and the thermodynamics of adding hydrogen to heavy feedstocks; improved understanding of the chemistry and the thermodynamics of the removal of the contaminants, i.e. S, N, O, metals, etc., from heavy feedstocks; development of new and less expensive means for producing hydrogen from feedstocks other than light hydrocarbons; development of newer, less expensive contaminant removal processes for heavy oils along with environmentally acceptable means of disposing of the contaminants when removed; development of new knowledge to be used to improve cat cracking and hydrocracking catalysts and process; and development of the knowledge, catalysts and processes necessary to eliminate the production of petroleum coke or the ability to liquefy it for recycling to the refinery.

(11) Faculty/Student Exploratory Grants

DOE is seeking grant applications for a supportable basic premise on any one of the subtopics covered under the above ten (10) topics. DOE will provide "seed" grants to the selected HBCU for the faculty and/or student investigator to conduct initial exploratory research on their stated premise.

This is the only topic (Topic eleven (11)) under this solicitation that does not require initial private sector collaboration.

Awards: DOE anticipates issuing financial assistance (grant) awards for each project. DOE reserves the right to support or not to support any or all applications received in whole or in part, and to determine how many awards may be made through the solicitation subject to funds available in this fiscal year. The limitation on the maximum DOE funding for each selected grant to be awarded under this Program Solicitation is as follows:

	Maximum Award
Topics (1)–(10):	
To 12 months grant duration	$80,000.00
13–24 months grant duration	$140,000.00
25–60 months grant duration	$200,000.00
Topic (11):	
To 12 months grant duration	$10,000.00

Approximately $ one (1) million is planned for this solicitation. The total should provide support for approximately six (6) R&D proposal selections (Topics 1–10) and approximately ten (10) faculty/student exploratory proposal selections (Topic 11). The Program Solicitation is expected to be ready for mailing on or about January 31, 1992.

Applications must be prepared and submitted in accordance with the instructions and forms in the Program Solicitation. To be eligible, applications must be received by the Department of Energy by the closing date stated in the solicitation.

For Further Information Write To: For a copy of this solicitation or for further information, please write to: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921–118, Pittsburgh, PA 15236–0940, Attn.: Ms. Donna J. Lebetz, Contract Administrator.

Issued in Washington, DC on December 24, 1991.

Richard D. Rogus,

Chief, Contracts Group, Acquisition & Assistance Div.

[FR Doc. 92–384 Filed 1–7–92; 8:45 am]

BILLING CODE 6450–01–M

Membership of UNITAR/UNDP Information Center for Heavy Oil and Tar Sands

AGENCY: Bartlesville Project Office, Department of Energy (DOE).

ACTION: Notice of non-competitive financial assistance (grant) award with United Nations Institute for Training and Research (UNITAR).

SUMMARY: The Department of Energy (DOE), Bartlesville Project announces that pursuant to 10 CFR 600.7 (b)(2)(i)(A) and (B), it intends to make a non-competitive Financial Assistance (Grant) award through the Pittsburgh Energy Technology Center to United Nations Institute for Training and Research, New York 10017 to support the "International Center for Heavy Oil and Tar Sands."

SUPPLEMENTARY INFORMATION:

Awardee: United Nations Institute for Training and Research.

Grant Number: DE–FG22–92BC14863.

Grant Value: $150,000.

SCOPE: The proposed research effort is to promote and facilitate the exchange of technical information on matters relating to the heavy crude and tar sands on a world-wide basis, to publish special studies on particular topics related to heavy crude and tar sands, and to assess research in heavy crude and tar sands and guide countries in developing their energy potential.

This grant is in support of UNITAR for the UNITAR/UNDP Information Center for Heavy Oil and Tar Sands. DOE was a cofounder of the Center with UNITAR, AOSTRA (Canada) and PDVSA (Venezuela) in 1981.

The establishment of the UNITAR/UNDP Information Center for Heavy Oil and Tar Sands has facilitated international cooperation among countries for solutions to common technological problems and technology transfer. Huge resources of heavy oil and tar sands exist worldwide including in the United States. As light oil resources become depleted, the world will shift emphasis to the heavy oil and tar sands resources.

The term of the grant is thirty-six (36) months with a total estimated cost of $150,000.00 to the DOE Office of Fossil Energy. The anticipated share is $50,000 each year from FY 1992 to FY 1994.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921–118, Pittsburgh, PA 15236, Attention: Rhonda L. Dupree, Telephone: AC 412/892/4949.

Issued in Washington DC on December 18, 1991.

Richard D. Rogus,

Contracting Officer, Pittsburgh Energy Technology Center.

[FR Doc. 92–382 Filed 1–7–92; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award a Grant to Washington State University

AGENCY: Department of Energy, Richland Field Office.

ACTION: Notice of acceptance of an unsolicited proposal and the intent to award a financial assistance instrument.

SUMMARY: The Department of Energy (DOE) announces that pursuant to 10 CFR 600.6(a)(2), it is making a financial assistance award based upon an unsolicited application satisfying the criteria of 10 CFR 600.14(e)(1) under Grant Number DE–FG06–92EH89189 to Washington State University for management and operation of the United States Transuranium and Uranium Registries.

SCOPE: The United States Uranium Registry (USUR) and the United States Transuranium Registry (USTR) are parallel human tissue research programs

studying the deposition of actinide elements within the human body. This grant to Washington State University will support the USUR and the USTR major objective to improve the body of knowledge relating to the biokinetics and dosimetry of the actinides in humans and thus provide scientific data for verification and refinement of existing radiation protection standards. The Government's share of the proposed three year project is $3,762,179. First year funding will be $700,000.

The proposed grantee will consolidate management of the registries, integrate them into the broader research and academic communities, conduct research activities necessary to achieve the full potential of the registries, and increase the interdisciplinary mix of individuals who participate in registry programs.

The purpose of this proposal relates directly to the mission of the DOE Office of Health because it concerns the responsibility for insuring that the Department of Energy activities are conducted in conformance with all applicable environmental laws and regulations and that the health and safety of workers and the public are protected. It has been determined that the conduct and management of the research and activities of the Registries is essential to the mission and will accomplish a public purpose of support or stimulation authorized by Federal Statute.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Richland Field Office, Contract Management Branch, Procurement Division, Attn: Daniel L. White, A7-80, P.O. Box 550, Richland, Washington 99352.

SUPPLEMENTARY INFORMATION: A determination has been made that the project has high scientific merit and offers an innovative approach to the organization, management and conduct of registry studies and activities. It would not be eligible for financial assistance under a recent, current, or planned solicitation. The proposed grantee offers a unique combination of capabilities and facilities. Based on these criteria, it has been determined that it is appropriate to award a grant for this activity to Washington State University.

G. L. Amidan,

Acting Director, Procurement Division, Richland Field Office.

[FR Doc. 92-383 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 10359-003 Washington]

Snoqualmie River Hydro; Availability of Environmental Assessment

December 31, 1991.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), Office of Hydropower Licensing has reviewed the application for license for the proposed Youngs Creek Project, located near the town of Sultan on Youngs Creek, Snohomish County, Washington, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-301 Filed 1-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1858-002 Utah]

Beaver City; Notice Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

December 31, 1991.

The license for the Beaver City Canyon Plant #2 Project No. 1858 located on the Beaver River in Beaver County, Utah expires on July 31, 1993. The statutory deadline for filing an application for new license was July 31, 1991.

The project consists of: (1) A 17-foot-high diversion dam; (2) a 2-mile-long, 30-inch-diameter penstock; (3) a powerhouse with an installed capacity of 626 kW; (4) a 4.1-mile-long, 69-kV transmission line; and (5) other appurtenances.

An application for new license has been filed as follows:

Project No.	Applicant	Contact
P-1858-002	Beaver City, P.O. Box 271, Beaver, UT 84713.	Robert H. Lee, Mayor, P.O. Box 271, Beaver, UT 84713, (801) 438-2451

If any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merits, a request for a study, together with justification for such request in accordance with § 4.32 of the Commission's regulations, must be filed no later than 60 days after this notice is published in the Federal Register.

The following is an approximate schedule and procedures that will be followed in processing the application:

Date	Action
90 days from the date that this notice is published in the Federal Register.	Commission's deadline for applicant for filing a final amendment, if any, to its application.
April 10, 1992	Commission notifies applicant that its application has been accepted. The notification of acceptance will specify the need for additional information and the date information is due.
April 17, 1992	Commission issues public notice of the accepted application establishing dates for filing motions to intervene and protests.

Upon receipt of all additional information and the information filed in response to the public notice of the acceptance of the application, the Commission will evaluate the application in accordance with applicable statutory requirements and take appropriate action on the application.

Any questions concerning this notice should be directed to Hector M. Perez at 202-219-2843.

Lois D. Cashell,

Secretary.

[FR Doc. 92-309 Filed 1-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-65-000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 31, 1991.

Take notice that CNG Transmission Corporation ("CNG"), on December 20, 1991, pursuant to section 4 of the Natural Gas Act and part 154 of the Commission's regulations, filed the following revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Ninth Revised Sheet No. 32
Fourth Revised Sheet No. 33
Eighth Revised Sheet No. 35

The revised tariff sheets are filed to be effective on February 1, 1992.

The filing would reduce CNG's fuel retention percentage and fuel charge from those currently in effect subject to refund. The lower levels reflect the unopposed settlement agreement that has recently been certified to the Commission in Docket No. RP90-143.

CNG also proposes to amend its tariff rates to provide for minimum gathering and products extraction rates in accordance with § 284.7(d)(5)(i) of the Commission's regulations.

CNG states that it has mailed a copy of its filing to customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All motions or protests should be filed on or before January 8, 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. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-303 Filed 1-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-2-23-000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 31, 1991.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on December 20, 1991 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective February 1, 1992.

ESNG states that such tariff sheets are being filed pursuant to § 154.308 of the Commission's regulations and sections 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 sales rates set forth thereon reflect a decrease of $0.1802 per dt in the Commodity Charge and an increase of $0.0272 per dt in the Demand Charge, all as measured against ESNG's previously scheduled PGA filing in Docket No. TA92-2-23-000, et al. as filed on September 25, 1991 and approved to be effective on November 1, 1991.

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 385.214). All such motions or protests should be filed on or before January 8, 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 persons 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. 92-305 Filed 1-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-44-026 and RP91-139-002]

El Paso Natural Gas Co., Compliance Tariff Filing

December 31, 1991.

Take notice that on December 23, 1991 El Paso Natural Gas Company ("El Paso") filed pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations under the Natural Gas Act and in compliance with ordering paragraph (D) of the Commission's order issued November 20, 1991 at Docket Nos. RP88-44-000, *et al.*, RP91-139-000 and CP92-4-000 accepting the Joint Offer of Settlement and Stipulation and Agreement ("Settlement") filed October 1, 1991 in the referenced proceedings, certain tariff sheets to become effective on October 1, 1991.

El Paso states that the Settlement concludes several outstanding disputes among El Paso, the City of Willcox, Arizona ("Willcox") and Arizona Electric Power Cooperative, Inc. ("AEPCO") arising from El Paso's Global Rate Settlement approved by the Commission in Docket No. RP88-44-000, *et al.* El Paso states that the parties to the Settlement resolved, among other things, issues relating to (1) establishment of demand charges and billing determinants for certain rate periods applicable to AEPCO; and (ii) the method of allocating the Monthly Direct Charge for take-or-pay cost recovery from AEPCO/Wilcox. El Paso also states that by order issued November 20, 1991 at Docket Nos. RP88-44-000, *et al.*, the Commission approved the tariff revisions which were reflected in the *pro forma* tariff sheets attached to the Settlement. El Paso states that the tendered tariff sheets are being submitted in compliance with ordering paragraph (D) of the Commission's November 20, 1991 order approving the Settlement.

El Paso requested that all necessary waivers of the Commission's Regulations be granted so as to permit the tendered tariff sheets to become effective on October 1, 1991 which is the date that the rates, charges and procedures have been implemented pursuant to the Settlement, except for one (1) tariff sheet to become effective December 1, 1991 for pagination purposes.

El Paso states that copies of the filing were served upon all parties of record at Docket Nos. RP88-4-000, *et al.*, RP91-130-000 and CP92-4-000 and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before January 8, 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. 92-306 Filed 1-7-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT92-11-000]

El Paso Natural Gas Co.; Tariff Filing

December 31, 1991.

Take notice that on December 27, 1991, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, 2nd Revised Original Sheet No. 118 contained in its FERC Gas Tariff, First Revised Volume No. 1-A. El Paso states that the filing reflects deletion of the Billing Determinant for Southern Union Gas Company, A Division of Southern Union Company ("Southern Union Gas"), applicable to the State of Arizona and the addition of a Billing Determinant for Citizens Utilities Company ("Citizens") applicable to the State of Arizona. El Paso requests that the tendered tariff sheet be accepted for filing and permitted to become effective December 1, 1991.

El Paso states that on November 30, 1991, Southern Union Company and Citizens entered into an agreement effective December 1, 1991 in which all rights, title and interest, and contracts with respect to Southern Union Gas' natural gas distribution system located in the State of Arizona were assigned to Citizens. El Paso states that as a result of such agreement, the Transportation Service Agreement (Conversion from Firm Sales Service) between El Paso and Southern Union Gas has been assigned to Citizens. As a result of the effectiveness of the assignment, El Paso states that it is necessary to revise Sheet No. 118 to eliminate the Billing Determinant for Southern Union Gas applicable to the State of Arizona and add a Billing Determinant for Citizens applicable to the State of Arizona to reflect its existing transportation entitlements plus the assumption of those firm transportation entitlements from Southern Union Gas. Accordingly, El Paso is tendering 2nd Revised Original Sheet No. 118 to reflect such revision.

El Paso requests that, pursuant to § 154.51 of the Commission's Regulations, waiver of the notice requirements of § 154.22 of the Commission's Regulations be granted so as to permit the tendered tariff sheet to become effective December 1, 1991, the effective date of the assignment.

El Paso states that copies of the filing were served upon all interstate pipeline system transportation customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 8, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-307 Filed 1-7-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1773-001 Utah]

Moon Lake Electric Association, Inc.; Notice Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

December 31, 1991

The license for the Yellowstone Project No. 1773 located on the Yellowstone River in Duchesne County, Utah expires on March 31, 1993. The statutory deadline for filing an application for new license was March 31, 1991.

The project consists of: (1) A 15-foot-high, 313-foot-long earth and rock dam; (2) a small reservoir with a storage capacity of 8.04 acre-feet; (3) a 44-inch-diameter, 14,126-foot-long penstock; (4) a powerhouse with three generating units with a total installed capacity of 900 kW; (5) a 14.27-mile-long transmission line; and (6) other appurtenances.

An application for new license has been filed as follows:

Project No.	Applicant	Contact
P-1773-001	Moon Lake Electric Association, Inc.	Grant J. Earl, General Manager, Moon Lake Electric Association, Inc., 188 West 2nd North, Roosevelt, UT 84066, (801) 722-2448.

If any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merits, a request for a study, together with justification for such request in accordance with § 4.32 of the Commission's regulations, must be filed no later than 60 days after this notice is published in the **Federal Register**.

The following is an approximate schedule and procedures that will be flowed in processing the application:

Date	Action
90 days from the date that this notice is published in the **Federal Register**.	Commission's deadline for applicant for filing a final amendment, if any, to its application.
April 10, 1992	Commission notifies applicant that its application has been accepted. The notification of acceptance will specify the need for additional information and the date information is due.
April 17, 1992	Commission issues public notice of the accepted application establishing dates for filing motions to intervene and protests.

Upon receipt of all additional information and the information filed in response to the public notice of the acceptance of the application, the Commission will evaluate the application in accordance with applicable statutory requirements and

take appropriate action on the application.

Any questions concerning this notice should be directed to Hector M. Perez at 202–219–2843.

Lois D. Cashell,

Secretary.

[FR Doc. 92–308 Filed 1–7–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP92–64–000 and RP92–23–001]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

December 31, 1991.

Take notice that on December 20, 1991, Natural Gas Pipeline Company of America (Natural) tendered for filing tariff sheets listed below to be effective as indicated:

	Effective
Third revised volume No. 1:	
Substitute Third Revised Sheet No. 8A.	12/01/91.
Substitute Seventh Revised Sheet No. 8B.	12/01/91.
First revised volume No. 1A:	
Second Revised Sheet No. 91	01/19/92.

Natural states the purpose of the filing it to: (1) Correct Rate Schedule DMQ–1 billing entitlements previously filed and approved to be effective December 1, 1991, and (2) to revise the Restriction on Other Services, section 6 of the Rate Schedule FTS–G.

Natural requested waiver of § 154.22 of the Commission's Regulations and such other waivers to the extend necessary to permit the tariff sheets to become effective as indicated.

Natural states that copies of the filing were served on Natural's jurisdictional customers and interested state agencies.

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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before January 8, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–304 Filed 1–7–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–140–000]

Questar Pipeline Co.; Informal Settlement Conference

December 30, 1991.

Take notice that an informal settlement conference will be convened in this proceeding beginning on Monday, January 13, 1992, at 10 a.m., and is expected to continue the following day. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket. Discussions will focus on all issues set for hearing in this proceeding, including, but not limited to, cost-of-service, return, rate design, and comparability of service.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact John P. Roddy at (202) 208–1176 or J. Carmen Gastilo at (202) 208–0248.

Lois D. Cashell,

Secretary.

[FR Doc. 92–310 Filed 1–7–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ92–2–43–000 and TM92–2–5–43–000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 31, 1991.

Take notice that Williams Natural Gas Company (WNG) on December 23, 1991 tendered for filing Sixth Revised Sheet No. 6, Seventh Revised Sheet No. 6A, and Sixth Revised Sheet No. 9 to its FERC Gas Tariff, First Revised Volume No. 1, to be effective February 1, 1992.

WNG states that pursuant to the Purchased Gas Adjustment in Article 18 of its FERC Gas Tariff, it proposes a net reduction of $.0056 per Dth as measured against its rates in Docket No. RP91–152 which became effective November 7, 1991 and increases in transportation fuel rates and in gathering fuel rates resulting from a decrease in purchase gas costs to be effective February 1, 1992.

WNG states that pursuant to Article 26 of its FERC Gas Tariff, the above referenced tariff sheets reflect a revised TOP Volumetric Surcharge for the period February 1, 1992 through April 30, 1992 of $.0436 per Dth.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before January 8, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of 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. 92–302 Filed 1–7–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 91–96–NG]

Alenco Resources Inc.; Order Granting Authorization To Import and Export Natural Gas, Including Liquefied Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import and export natural gas, including liquefied natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Alenco Resources Inc. blanket authorization to import up to 54 Bcf and export up to 54 Bcf of natural gas,

including liquefied natural gas, over a two-year period commencing with the date of first import or export after December 31, 1991.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 31, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-385 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 90-84-NG]

Centra Gas Manitoba; Order Approving Long-Term Authorization To Export Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order approving long-term authorization to export natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Centra Gas Manitoba authorization to export up to 13.5 Bcf of natural gas to Canada through March 31, 1995, beginning on the date of first export delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 31, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy

[FR Doc. 92-386 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-75-NG]

Continental Energy Marketing Ltd.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Continental Energy Marketing Ltd. blanket authorization to import from Canada up to 75 Bcf of natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 31, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy

[FR Doc. 92-387 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-51-NG]

Fina Natural Gas Co.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada and Mexico

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import and export natural gas from and to Canada and Mexico.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order authorizing Fina Natural Gas Company to import up to 100 Bcf and to export up to 100 Bcf natural gas to Canada and Mexico over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 30, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistance Secretary for Fuels Programs, Office of Fossil Energy

[FR Doc. 92-388 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-70-NG]

Northern States Power Co.; Application for Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on September 5, 1991, and amended on October 21, 1991, by Northern States Power Company (Wisconsin), hereafter referred to as NSPW, for authorization to import up to 15,000 Mcf per day of natural gas from Canada over a 10-year term commencing on the later of November 1, 1992, or the date of first delivery. NSPW would import the gas from Amoco Canada Petroleum Company Ltd. (Amoco Canada) under a gas purchase agreement dated January 1, 1991. The gas would be imported at the international border near Emerson, Manitoba, where Great Lakes Gas Transmission's (Great Lakes) pipeline system interconnects with TransCanada PipeLines Limited (TransCanada). Great Lakes would deliver the import volumes to Viking Gas Transmission (Viking) which in turn would transport the gas to NSPW's distribution facilities at Eau Claire, Wisconsin. NSPW states that no new pipeline construction is required for the proposed imports.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed in Washington, DC, at the address listed below no later than 4:30 p.m., Eastern time, February 7, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-070, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590.

Diane Stubbs, Office of Assistant General Counsel, for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: NSPW is a public utility incorporated in the State of Wisconsin and a wholly owned subsidiary of Northern States Power Company (Minnesota). According to its application, NSPW provides electricity and natural gas service to customers in upper and central Wisconsin as well as Michigan's Upper Peninsula.

Under its gas sales contract with Amoco Canada, NSPW has agreed to purchase a minimum annual quantity. Minimum purchases would be 75 percent of the sum of the daily contract quantities (DCQ), for the peak period months of November through March and 40 percent of the DCQ for the remainder of the year. If NSPW does not meet minimum purchase requirements, the contract requires it to pay Amoco Canada 5 percent of the commodity price per MMBtu times the shortfall. The contract DCQ (15,000 Mcf) is also subject to adjustment if NSPW does not make minimum purchases that average at least 55 percent of DCQ over a three-year period.

The sales agreement requires NSPW to pay Amoco Canada a contract price consisting of a commodity price, as described below, any demand charges incurred by Amoco Canada to deliver gas under the contract, and a supply reservation charge equal to 10 percent of the commodity price times the maximum daily quantity in effect. The commodity price to be paid in any month would equal the product of the base commodity price, $1.45 (U.S.) per MMBtu, as adjusted annually to reflect changes in the average prices reported for spot purchases into the Northern Natural Gas System at Kansas, Texas and Oklahoma, and by changes in the weighted average commodity prices under comparable long-term contracts for deliveries at Emerson to the U.S. Midwest and NSPW's weighted average cost of gas (WACOG). The contract provides for renegotiation, and, absent agreement, arbitration of the commodity price and the commodity price adjustment mechanism if it fails to track changes in the WACOG of NSPW's gas purchases or the weighted average price to long-term Canadian gas exported to the U.S. midwestern market.

In support to its application, NSPW asserts the pricing, renegotiation, and arbitration provisions in its gas sales contract provide sufficient flexibility to assure a competitive price that will reflect market conditions throughout the term of the contract. NSPW also submits that the long-term imports are needed and secure. According to its application, NSPW's natural gas demand between 1987 and 1990 increased from 11.4 to 14.1 Bcf, and NSPW anticipates at least a 5 percent annual growth rate for near-term deliveries. Also, NSPW states that Amoco Canada estimates it has over 100 Bcf of available reserves, more than double the volumes it has obligated to NSPW over its ten-year contract. According to NSPW, security of supply is further ensured by contract provisions that require Amoco Canada to reimburse NSPW for the cost of replacing any gas volumes Amoco Canada fails to provide. Amoco Canada's reimbursement obligation would be the amount by which the cost of replacement gas, including transportation and related costs, exceed the commodity price under the gas sales contract, which also would be adjusted to include transportation costs. Such reimbursement would be limited to 130 percent of the commodity charge for the first five days of non-delivery and 160 percent of the commodity charge in excess of five days. In the event non-delivery of gas volumes exceeds ninety days, NSPW is entitled to terminate the contract.

The decision on NSPW's application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In the case of a long-term arrangement such as this, other matters that will be considered in making a public interest determination include need for the natural gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. NSPW asserts that this import arrangement is in the public interest because it is needed, competitive, and its natural gas source will be secure. Parties opposing the import arrangement 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 this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in

the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of NSPW's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Clifford P. Tomaszewski,

Acting Assistant Deputy Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-389 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-71-NG]

Northern States Power Co.; Application for Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on September 5, 1991, and amended on October 21, 1991, by Northern States Power Company (Wisconsin) (NSPW), for authorization to import up to 7,500 Mcf per day of natural gas from Canada over a 10-year term commencing on the later of November 1, 1992, or the date of the first delivery. NSPW would import the gas from ProGas Limited (ProGas) under a gas purchase agreement dated November 1, 1990. The gas would be imported at the international border near Emerson, Manitoba, where Great Lakes Transmission's (Great Lakes) pipeline system interconnects with TransCanada PipeLines Limited (TransCanada). Great Lakes would deliver the import volumes to Viking Gas Transmission (Viking) which in turn would transport the gas to NSPW's distribution facilities at Eau Claire, Wisconsin. NSPW states that no new pipeline construction is required for the proposed import.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed in Washington, DC, at the address listed below no later than 4:30 p.m., Eastern time, February 7, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-070, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: NSPW is a public utility incorporated in the State of Wisconsin and a wholly-owned subsidiary of Northern States Power Company (Minnesota) (NSPW). According to its application, NSPW provides electricity and natural gas service to customers in upper and central Wisconsin as well as Michigan's Upper Peninsula.

Under its gas contract with ProGas, NSPW has agreed to purchase a minimum annual quantity. Minimum purchases for the peak period months of December through February would be 75 percent of the sum of the daily contract quantities (DCQ) for those months, and 40 percent for the remainder of the year. If NSPW does not meet minimum purchase requirements, the contract requires it to pay a gas inventory charge equal to $.25 per Mcf times the shortfall. The contract DCQ (7,500 Mcf) is also subject to adjustment if NSPW does not make minimum purchases or during periods of interruption in delivery. In addition, NSPW may cancel its contract with ProGas if it fails to make deliveries for any 90-day period during any contract year.

The contract price for the DCQ service consists of a two-part demand/commodity price. The monthly demand rate would equal the product of the DCQ average for the month times the sum of the monthly demand tolls for transportation service on the TransCanada, NOVA and TransGas Limited pipeline systems. The commodity price to be paid in any month would equal the product of the base commodity price $1.70 (U.S.) per MMBtu, as adjusted annually to reflect changes in the weighted average cost of gas (WACOG) paid by other utilities in the midwestern market, times a predetermined monthly adjustment factor. The contract provides for renegotiation and, absent agreement, arbitration of the commodity price and the commodity price adjustment mechanism if it fails to track changes in the WACOG of NSPW's gas purchases or the weighted average price of long-term Canadian gas exported to the U.S. midwestern market.

In support of its application, NSPW asserts the pricing, renegotiation, and arbitration provisions in its gas sales contract provide sufficient flexibility to assure a competitive price that will reflect market conditions throughout the term of the contract. NSPW also submits that the long-term imports are needed and secure. According to its application, NSPW's natural gas demand between 1987 and 1990 increased from 11.4 to 14.1 Bcf, and NSPW anticipates at least a 5 percent annual growth rate for near-term deliveries. Finally, NSPW states that ProGas has advised it that it has ample reserve sources to meet its 10-year demand requirements and that the total contract volumes represent less than 1 percent of ProGas' total sales obligations.

The decision on NSPW's application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In the case of a long-term arrangement such as this, other matters that will be considered in making a public interest determination include need for the natural gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. NSPW asserts that this import arrangement is in the public interest because it is needed, competitive, and its natural gas source will be secure. Parties opposing the

import arrangement 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 this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of NSPW's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 30, 1991.

Clifford P. Tomaszewski,

Acting Assistant Deputy Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-390 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-57-LNG]

Pan National Sales, Inc.; Order Granting Authorization To Import Liquefied Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import liquefied natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Pan National Gas Sales, Inc. blanket authorization to import a total of 320 Bcf of liquefied natural gas over a two-year period commencing with the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 31, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistance Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-391 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-66-NG]

Sierra Pacific Power Co.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order authorizing Sierra Pacific Power Company to import up to 60 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery after January 11, 1992.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 30, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-392 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-76-NG]

Suncor Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Suncor Inc. blanket authorization to import up to 127.76 Bcf of natural gas from Canada over a two-year period beginning on January 1, 1992, the date its current import authority expires.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585,

(202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 30, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistance Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-393 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-85-LNG]

Texaco Gas Marketing Inc.; Order Granting Authorization To Import Liquefied Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import liquefied natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Texaco Gas Marketing Inc. blanket authorization to import a total of 150 Bcf of liquefied natural gas over a two-year period commencing with the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 31, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-394 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-49-NG]

Utrade Gas Co.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order authorizing Utrade Gas Company to import up to 150 Bcf of natural gas from Canada over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 30, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-395 Filed 1-7-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180858; FRL 4009-4]

Receipt of Application for Emergency Exemption To Use Benomyl; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Kentucky Department of Agriculture (hereafter referred to as the "Applicant") for use of the pesticide benomyl (CAS 17804-35-2) to control Sclerotinia stem rot on up to 15,000 acres of canola in Kentucky. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

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

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180858," should be submitted by mail to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Stanton, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-305-7889).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of the fungicide, benomyl, available as Benlate 50WP (EPA Reg. No. 352-354) from E. I. du Pont de Nemours Co., to control Sclerotinia stem rot, caused by *Sclerotinia sclerotiorum*, on up to 15,000 acres of canola in Kentucky. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, Sclerotinia has a broad host range, including weed hosts and vegetable crops which are commonly grown in rotation with canola. The fungus produces hard resting structures, sclerotia, that live from 4 to 6 years in the soil. Short rotations of susceptible crops have resulted in a buildup of Sclerotinia in the soil, which can result in a severe stem rot outbreak if weather during the two weeks prior to flowering (usually mid to late April) is cool and wet. Under these conditions, the sclerotia germinate, producing small mushroom-like fruiting bodies, known as apothecia, that release millions of airborne spores, which infect the canola blossoms. According to the Applicant, there are no pesticides currently registered for the control of Sclerotinia stem rot on canola in the United States, and without an effective control, yield losses of up to 60 percent could result if stem rot outbreaks occur this season. The potential dollar loss without benomyl during the 1992 season could approach $1 million.

A single ground or aerial application of benomyl will be applied at a maximum rate of 0.75 pounds of active ingredient per acre during the 30 percent bloom stage if the preceding two weeks are cool and wet. Ground applications will be made in ten to twelve gallons of water per acre. Aerial applications will be made using five gallons of water per acre. A maximum of 11,250 pounds of active ingredient may be needed to treat a maximum of 15,000 acres. Applications will be completed by June 1, 1992.

Benomyl was referred to Special Review in December of 1977 because of its mutagenic, teratogenic, spermatogenic, and acute aquatic effects. The Special Review process was completed on October 20, 1982, and the decision was made to require use of either cloth or commercially available disposable dust masks by mixer/loaders of benomyl intended for aerial application and to require that registrants of benomyl products conduct field monitoring studies to identify residues that may enter aquatic sites after use on rice.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a pesticide which contains an active ingredient which has been the subject of a Special Review and is intended for a use that could pose a risk similar to the risk posed by any use of a pesticide which is or has been the subject of a Special Review [40 CFR 166.24 (a)(5)].

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Kentucky Department of Agriculture.

Dated: December 18, 1991.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-179 Filed 1-7-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-250086; FRL 4002-7]

Notification to the Secretary of Agriculture of a Final Pesticide Export Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture.

SUMMARY: Notice is given pursuant to section 25(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), that the Administrator of EPA has forwarded to the Secretary of Agriculture EPA's final pesticide export policy statement.

FOR FURTHER INFORMATION CONTACT: By mail: Deborah Hartman, office of Pesticide Programs (H7501C), Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460, or telephone (703) 305-7102, facsimile (703) 305-8244.

SUPPLEMENTARY INFORMATION: Under FIFRA section 25(a)(2)(B), the Administrator of EPA has forwarded EPA's final pesticide export policy statement to the Secretary of Agriculture for comment. In accordance with section 25, if the Secretary of Agriculture comments in writing within 15 days after receipt of the policy statement, the Administrator must include the comments in the **Federal Register**, with the final policy statement, if requested to do so by the Secretary of Agriculture. If the Secretary does not comment within 15 days after receipt of the final policy statement, the Administrator may sign the policy for publication in the **Federal Register** at any time after the 15 day-period notwithstanding the foregoing 30-day time requirement.

As required by FIFRA section 25(a)(3), this final policy has been forwarded to the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture and Forestry of the Senate.

As required by FIFRA section 25(d), a copy of this final policy statement has also been forwarded to the Scientific Advisory Panel.

Dated: December 31, 1991.

Douglas D.Campt,

Director, Office of Pesticide Programs.

[FR Doc. 92-361 Filed 1-7-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-925-DR]

Republic of the Marshall Islands; Amendment to Notice of a Major Disaster Declaration

December 28, 1991.

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Republic of the Marshall Islands (FEMA-925-DR), dated December 7, 1991, and related determinations.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: the notice of a major disaster for the Republic of the Marshall Islands, dated December 7, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 7, 1991:

Namu Atoll and the island of Lib for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 92-371 Filed 1-7-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

Texas; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determinations.

DATED: December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: The notice of a major disaster for the State of Texas, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Burnet, Coleman, Fayette, Liberty, Limestone, Llano, Parker, and Wharton for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-372 Filed 1-7-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

Texas; Amendment to Notice of a Major Disaster Declaration

December 31, 1991.

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determinations.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Texas, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Burnet, Coleman, Fayette, Liberty, Limestone, Llano, Parker, and Wharton for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 92-373 Filed 1-7-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Port Authority of New York and New Jersey; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 021-000861-005.

Title: Port Authority of New York & New Jersey/Universal Maritime Service Corp. Lease Agreement.

Parties:

Port Authority of New York & New Jersey ("the Port Authority"),

Universal Maritime Service Corp. ("U.M.S.").

Synopsis: This Agreement, filed December 26, 1991, provides for modifications to the lease rental agreement. It amends the crane agreement between the Port Authority and U.M.S.

Agreement No.: 224-010730-004.

Title: City of Los Angeles/Los Angeles Cruise Ship Terminals Lease Agreement.

Parties:

City of Los Angeles,

Los Angeles Cruise Ship Terminals, Inc. ("LACST").

Synopsis: The agreement, filed December 26, 1991, provides for the use of Berths 90-93 by LACST. The term of the agreement is five years. Purposes, uses, right to sublease and terms of compensation are included.

Agreement No.: 224-200445-001.

Title: Port of Portland/Hyundai Merchant Marine Co., Ltd. Terminal Use Agreement.

Parties:

Port of Portland,

Hyundai Merchant Marine Co., Ltd.

Synopsis: The agreement, filed December 26, 1991 provides for an extension of the terms of the agreement through 29 February 1992. All other terms and conditions of the original Agreement remain the same.

Agreement No.: 224-200448-001.

Title: Port of Portland/Nippon Yusen Kaisha Terminal Use Agreement.

Parties:

Port of Portland,

Nippon Yusen Kaisha, Ltd.

Synopsis: This agreement, filed December 26, 1991, provides for an extension of the terms of the agreement through 29 February 1992. All other terms and conditions of the original Agreement remain the same.

Agreement No.: 224-200599-001.

Title: Port of Oakland/Nippon Yusen Kaisha/Neptune Orient Lines Preferential Assignment Agreement.

Parties:

Port of Oakland ("Port"),

Nippon Yusen Kaisha ("NYK"),

Neptune Orient Line, Ltd. ("NOL").

Synopsis: This agreement, filed December 26, 1991, provides for the preferential agreement of certain marine terminal facilities in the Port's Outer Harbor Terminal Area. It assigns NOL, Ltd. as a joint assignee, with NYK.

Agreement No.: 224-200599-002.

Title: Port of Oakland/Nippon Yusen Kaisha/Neptune Orient Lines Preferential Terminal Agreement.

Parties:

Port of Oakland ("Port"),

Nippon Yusen Kaisha ("NYK"),

Neptune Orient Line, Ltd. ("NOL").

Synopsis: This agreement, filed December 26, 1991, provides for modifications to the preferential assignment of certain marine terminal facilities in the Port's Outer Harbor Terminal Area. Those amendments concern (i) conforming modifications to the provisions defining primary use, (ii) compensation terms, and (iii) assignment of the agreement to Yusen Terminals, Inc.

By Order of the Federal Maritime Commission.

Dated: January 2, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-320 Filed 1-7-92; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Import Trade Services, Inc., 12605 I-10, Suite 401, Houston, TX 77015.

Officer: Mary Ann Melancon, President

Chassman & Sollazzo, Inc., 1 Edgewater Plaza, Staten Island, NY 10305.

Officers: Richard Chassman, President/Director/Stockholder, Salvator Sollazzo, Executive Vice President, Lucretia Fasciano, Vice President/Director/Stockholder.

Brunswick International, Inc., 14 Kennedy Blvd., E. Brunswick, New Jersey 88816.

Officers: Joseph Zagariello, President/

Director/Stockholder, Julian Santana, Secretary/Treasury/Director/Stockholder.

Richard C. Forte, 44 Beaumont Ave., Massapequa, NY 11748, Sole Proprietor.

Paul M. Tiger, III, 636 Valle Vista Ave., Vallejo, CA 94590, Sole Proprietor.

Freight Management Services, Inc., 200 West Thomas St., Suite 305, Seattle, WA 98119.

Officers: Douglas K. Wickre, CEO/Director/Stockholder, Gail E. Wickre, Secretary/Director/Treasurer/Stockholder, David A. Mayo, President/Director.

Robert J. Semany & Co. dba Altransco, 930 E. Lafayette Blvd., Suite 203, Detroit, MI 48207.

Officer: Robert J. Semany, President.

D & S Movers, Inc., 1806 Enterprise Blvd., West Sacramento, CA 95691.

Officers: Sharon K. Hopkin, President/Secretary/Chief Financial Officer, Dean S. Hopkins, Vice President/Stockholder, Joyce L. Carter, Vice President.

Frennea International, Inc., 80 St. Michael St., Suite 315, Mobile, Alabama 36601.

Officer: Barbara O. Frennea, President.

Mitsui-Soko (U.S.A.) Incorporated, One World Trade Center, Suite 1701, New York, NY 10048.

Officers: Kazuo Tamura, President/Director, Shinichiro Sasao, Vice President/Director, Michiko Ito Crampe, Secretary.

By the Federal Maritime Commission.

Dated: January 2, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-293 Filed 1-7-92; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Administration, HHS.

The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96-511).

1. *Type of Request:* Reinstatement; *Title of Information Collection:* Request for Certification as a Supplier of Portable X-ray Services Under the Medicare/Medicaid Program and Portable X-ray Survey Report; *Form Numbers:* HCFA-1880 and HCFA-1882; *Use:* Form HCFA-1880 is an application completed by suppliers of portable X-ray equipment requesting participation in the Medicare/Medicaid programs. Form HCFA-1882 is the survey report form used to determine if suppliers of portable X-ray equipment meet requirements necessary to participate in the Medicare/Medicaid programs; *Frequency:* Biennially; *Respondents:* State/local governments; *Estimated Number of Responses:* 250; *Average Hours per Response:* 1.75; *Total Estimated Burden Hours:* 438.

2. *Type of Request:* Reinstatement; *Title of Information Collection:* Medicare Renal Dialysis Facility Cost Report; *Form Number:* HCFA-265; *Use:* This form provides for the determinations and allocation of costs to the components of the facility in order to establish a proper basis for Medicare reimbursement; *Frequency:* Annually; *Respondents:* Businesses/other for profit and small businesses/organizations; *Estimated Number of Responses:* 1,281; *Average Hours per Response:* 196; *Total Estimated Burden Hours:* 251,012.

3. *Type of Request:* New; *Title of Information Collection:* Physician Payment Differentials in Group Practices Survey; *Form Number:* HCFA-R-23; *Use:* This survey will identify and describe innovative physician payment mechanisms in physician group practices. Criteria used by physicians can be used by HCFA in making policy decisions on physician payment reform; *Frequency:* One-time; *Respondents:* Individuals/households; *Estimated Number of Responses:* 135; *Average Hours per Response:* 3.11; *Total Estimated Burden Hours:* 420.

4. *Type of Request:* Revision; *Title of Information Collection:* Request to Establish Eligibility in the Medicare/Medicaid Program to Provide Outpatient Physical Therapy and/or Speech Pathology Services (OPT/SPS) and OPT/SPS Survey Report; *Form Numbers:* HCFA-1856 and HCFA-1893; *Use:* The HCFA-1856 is completed to request participation in the Medicare/Medicaid Programs; the HCFA-1893 is a survey report used by State agencies to record data collected from an on-site visit to determine facility compliance with individual conditions of participation and report it to the Federal Government; *Frequency:* Biennially; *Respondents:* State/local governments; *Estimated Number of Responses:* 650; *Average Hours per Response:* 1.75; *Total Estimated Burden Hours:* 1,138.

5. *Type of Request:* Extension; *Title of Information Collection:* Information Collection Requirements in 42 CFR 447.53(d), Imposition of Cost Sharing Charges Under Medicaid; *Form Number:* HCFA-R-53; *Use:* This information collection requirement requires States to include in their Medicaid State Plan, their provisions for imposition of cost sharing on the categorically and medically need; *Frequency:* Annually; *Respondents:* State/local governments; *Estimated Number of Responses:* 54; *Average Hours per Response:* 50; *Total Estimated Burden Hours:* 2,700.

6. *Type of Request:* Revision; *Title of Information Collection:* Home Health Agency (HHA) Medicare Cost Report; *Form Number:* HCFA-1728; *Use:* Providers of home health services under the Medicare program submit annual information to achieve settlement of costs for health care services to Medicare beneficiaries. This cost report is needed to determine the amount of reimbursable cost, based upon the cost limits, that is due these providers; *Frequency:* Annually; *Respondents:* Businesses/other for profit and non-profit institutions; *Estimated Number of Responses:* 4,150; *Average Hours per Response:* 160; *Total Estimated Burden Hours:* 664,000.

7. *Type of Request:* New; *Title of Information Collection:* Clinical Laboratory Improvement Act Budget Workload Reporting Forms; *Form Numbers:* HCFA-102, 103, 105; *Use:* The information collected on these forms will be used by HCFA in determining the amount of Federal reimbursement for compliance surveys. Use of the information includes program evaluation, audit, budget formulation and budget approval; *Frequency:* Annually/Quarterly; *Respondents:* State/local governments; *Estimated Number of Responses:* 265; *Average Hours per Response:* 16.4; *Total Estimated Burden Hours:* 4,346.

Additional Information or Comments:

Call the Reports Clearance Officer on 410-966-2088 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address: OMB Reports Management Branch, Attention: Allison Eydt, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: December 24, 1991.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 92-285 Filed 1-7-92; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-92-3373]

Notice of 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: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 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 Mr. Cristy.

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: December 27, 1991.

Kay Weaver,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: General Conditions.

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: The form is required for construction contracts awarded by Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs). The form includes those clauses required by OMB's common rule on grantee procurement, implemented at HUD in 24 CFR 85.36, HUD program regulations on grantee procurement, and HUD Handbooks implementing those regulations. The form is used by PHAs and IHAs in solicitations to provide necessary contract clauses. If the form were not used, PHAs and IHAs would be unable to enforce their contracts.

Form Number: HUD-5370.

Respondents: State or Local Governments.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Recordkeeping	3,895		1		.25		974

Total Estimated Burden Hours: 974

Status: Reinstatement.

Contact: William Thorson, HUD, (202) 708-4703; Jennifer Main, OMB, (202) 395-6880.

Dated: December 27, 1991.

[FR Doc. 92-296 Filed 1-7-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-92-3372]

Notice of 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: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 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 Mr. Cristy.

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: December 10, 1991.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Monitoring and Technical Assistance Handbook for the Congregate Housing Services Program (CHSP 4640.1 (10/83), 4640.1 Change 1 (12/84), 4640.1 Change 2 (11/85), 4640.2 to CHSP (FR-3092).

Office: Housing.

Description of the Need for the Information and its Proposed Use: This information is needed for regular reporting for biennial renewals, no-cost extension, updates and narratives needed to meet grant terms. This report must be filled out by tenants in order for grantees to determine their eligibility for benefits. The information is used by HUD to monitor reports and guidelines.

Form Number: None.

Respondents: Individuals or households and state or local governments.

Frequency of Submission: On occasion, semi-annually and annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Existing CHSP Program:							
Participant application to CHSP	58		2		5		580
Budget submission	58		1		3		174
Annual program reports	58		1		3		174
Revised CHSP Program:							
Initial owner applications	150		1		14		2,100
Reports (Budget, Semiannual, Annual)	50		4		2.5		500
Participant applications to revised (CHSP)	1,800		1		4		7,200

Total Estimated Burden Hours: 10,728.

Status: Revision.

Contact: Jerold Nachison, HUD, (202) 708-3291, Jennifer Main, OMB, (202) 395-6880.

Dated: December 10, 1991.

[FR Doc. 92-299 Filed 1-7-92; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-91-3351; FR-3181-N-01]

Community Development Special Purpose Grants; FY 1992 Funding

AGENCY: Office of the Assistant Secretary of Community Planning and Development, HUD.

ACTION: Notice of fiscal year 1992 funds.

SUMMARY: Section 570.400(h) of 24 CFR part 570 provides that HUD will publish each year the amount of funds available for the special purpose grants authorized by each section under subpart E of part 570. The purpose of this Notice is to announce those funds appropriated by the Congress for Fiscal Year 1992 for the various categories of special purpose grants under section 107 of the Housing and Community Development Act of 1974.

FOR FURTHER INFORMATION CONTACT: *For Insular Areas:* Maria B. Ratcliff, Office of Block Grant Assistance, Department of Housing and Urban Development, room 7184, Washington, DC 20410, Telephone: (202) 708-1322: TDD: (202) 708-1322.

For Other Categories: Lyn T. Whitcomb, Director, Technical Assistance Division, Office of Technical Assistance, room 7150, Department of Housing and Urban Development, Washington, DC 20410, Telephone: (202) 708-3176. TDD (202) 708-3176.

None of these numbers is toll-free.

SUPPLEMENTARY INFORMATION: Section 105(c) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235) added subsection (f) to section 107, "Special Purpose Grants", of the Housing and Community Development Act of 1974 (42 U.S.C. 5307). Subsection (f) requires the promulgation of selection criteria for the award of special purpose grants, and the publication of the criteria along with any notification of availability of amounts for those grants.

The Department supplemented these requirements when it published a final rule adding a new paragraph (h) to 24 CFR 570.400 (56 FR 18968, April 24, 1991). Paragraph (h) requires HUD also to publish each year the amount of funds available for each of the special purpose grants authorized under subpart E of 24 CFR part 570.

This Notice serves as the annual publication required by 24 CFR 570.400(h), and also provides a brief description of each of the affected categories of special purpose grants.

Amount of Funds

The amount of funds appropriated for Fiscal Year 1992 in each category of Special Purpose Grants is as follows:

Category	Dollars (in millions)
Insular Areas-CDBG	$7.0
Community Development Work Study	3.0
Historically Black Colleges and Universities	4.5
Designated Technical Assistance Grant	0.5
Total	$15.0

Insular Areas

The Insular Areas Community Development Block Grant Program is available, by statute, only to a limited number of eligible applicants. The regulations governing applicant eligibility, distribution of funds, and funding criteria are contained in 24 CFR 570.405.

Community Development Work Study Program

This program is governed by regulations contained in 24 CFR 570.415. The two-year grants to eligible applicants are for the purpose of providing assistance to economically disadvantaged and minority students who participate in a work-study program while enrolled in community and economic development, community planning, or community management

programs. The Fiscal Year 1992 funds will provide assistance for those applicants selected competitively for awards in Fiscal Year 1991, as indicated in the Notice of Fund Availability (NOFA) announcing the 1991 and 1992 competition (56 FR 9574). Those selected for 1991 awards were announced in the **Federal Register** on October 16, 1991 (56 FR 51912). Those selected for 1992 awards will be announced shortly.

Historically Black Colleges and Universities

Awards under this program are to expand the role and effectiveness of Historically Black Colleges and Universities in addressing community development needs, housing, and economic development in their localities, consistent with the purposes of title I of Housing and Community Development Act of 1974. This program is governed by regulations contained in 24 CFR 570.404 (see 56 FR 18968, April 24, 1991).

A Notice of Funding Availability (NOFA) for this program will be published at a later date in the **Federal Register**. This NOFA will provide terms of the funding and evaluation criteria to be used, state the deadline for submission of applications, and contain information and instructions for submission of acceptable applications to HUD.

Designated Technical Assistance Grant

The Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act of 1992, approved October 28, 1991 (Pub. L. 102–139), earmarks $500,000 for a grant to develop an integrated data base system and computer mapping tool. The conference report accompanying that Act states: "The conferees are in agreement that this grant is for the Population and Marketing Analysis Center in Towanda, Pennsylvania for mapping projects in Lackawanna County, Dunmore, Carbondale, Tioga County, Wilkes-Barre and Hazelton." Because this grant has been designated by the Congress for a specific applicant, there will be no competition for these funds.

Authority: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301–5320); Sec. 7(D), Department of Housing and Urban Development Acts (42 U.S.C. 3535(d)).

Dated: December 23, 1991.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 92–300 Filed 1–7–92; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-050-7122-14-X218; AZA-054-92-2]

Arizona: Temporary Closure of Selected Public Lands in La Paz Co., AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary Closure of Selected Public Lands in La Paz County, Arizona, During the Operation of the 1992 SCORE Parker 400 Off-Highway Vehicle Race.

SUMMARY: The District Manager of the Yuma District announces the temporary closure of selected public lands under its administration. This action is being taken to provide for public safety and prevent unnecessary environmental degradation during the official permitted running of the 1992 SCORE Parker 400 off-highway vehicle race.

DATES: January 23, 1992, through January 26, 1992.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management Ranger Rob Smith or Outdoor Recreation Planner Myron McCoy, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403, 602–855–8017.

SUPPLEMENTARY INFORMATION: Specific restrictions and closure periods are as follows:

Designated Course

1. The portion of the course comprised of Bureau of Land Management lands, roads, and ways south of the Bill Williams River, east and north of Highway 72, and west of Wenden Road is closed to public vehicle use from midnight Wednesday, January 22, 1992, to noon Sunday, January 26, 1992 (Mountain Standard Time).

2. Vehicles are prohibited from the following four wilderness areas and one wilderness study area:

a. AZ–050–12 (Gibraltar Mountain).

b. AZ–050–15A (Swansea).

c. AZ–050–71 (Buckskin Mountains).

d. AZ–050–17 (East Cactus Plain).

e. AZ–050–14A/B (Cactus Plain Wilderness Study Area).

3. The entire area encompassed by the designated course and all areas within 1 mile outside the designated course are closed to all vehicles except authorized and emergency vehicles. Access routes leading to the course are closed to vehicles. All closed routes will be posted throughout the closure period.

4. Spectator viewing is limited to two designated spectator areas located at:

a. South of Shea Road (approximately 6 miles east of Parker, Arizona).

b. Bouse Road, also known as Swansea Road (about 1½ miles north of Bouse, Arizona).

Camping is allowed only in the two designated spectator areas. Vehicle travel or parking outside these designated locations is prohibited. All vehicles operated within these two locations shall be legally registered for street and highway operation. No off-highway vehicle use is permitted in the race area. Spectators should not bring their off-highway vehicles to the race as this activity is prohibited.

5. Vehicle parking or stopping along Bouse Road, Shea Road, and Swansea Road is prohibited except for the two designated spectator areas.

6. All vehicles operated within designated pit areas shall be legally registered for street and highway operation.

7. Spectators are not permitted on the race course or in any wash used by the race course, including all of Osborne Wash.

8. Firewood cutting or collection is prohibited within the closure.

Signs and maps directing the public to the designated spectator areas will be provided by the Bureau of Land Management and the event sponsor.

The above restrictions do not apply to emergency vehicles and vehicles owned by the United States, the State of Arizona, or La Paz County. Vehicles under permit for operation by event participants must follow the race permit stipulations. Operators of permitted vehicles shall maintain a maximum speed limit of 35 miles per hour on all La Paz County and Bureau of Land Management roads and ways. This speed limit shall not apply to vehicles entered in the race during the race day, Saturday, January 25, 1992.

Authority for closure of public lands is found in 43 CFR part 8340, subpart 8341; 43 CFR part 8360, subpart 8364.1; and 43 CFR part 8372. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than $1,000 and/or imprisoned for not more than 12 months.

Dated: December 31, 1991.

Mervin G. Boyd,

Acting Yuma District Manager.

[FR Doc. 92–295 Filed 1–7–92; 8:45 am]

BILLING CODE 4310-32-M

[CA-020-4352-12]

Designation of Research Natural Area/ Area of Critical Environmental Concern (RNA/ACEC); California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of designation of additional acquired land for inclusion in the existing Ash Valley Research Natural Area/Area of critical environmental concern (RNA/ACEC); Lassen County, California.

SUMMARY: Pursuant to the authority in 43 CFR 8223, the following recently acquired land is designated for inclusion in the Ash Valley Research Natural Area/Area of Critical Environmental Concern (RNA/ACEC).

Mount Diablo Meridian; Lassen County, California

T. 37 N., R 11 E., sec. 5, Lots 1 and 2 and SE¼NE¼.

The addition of these 120.93 acres to the Ash Valley RNA/ACEC will total 1241.51 acres of BLM administered lands now within the designated RNA/ACEC.

A total of 1120.58 acres of BLM administered lands were originally designated as the Ash Valley Research Natural Area (RNA) in a **Federal Register** Notice on Thursday, December 6, 1984, Vol. 49, No. 236, page 47660. The designation was changed to the Ash Valley Research Natural Area/Area of Critical Environmental Concern (RNA/ACEC) in a **Federal Register** Notice on Tuesday, January 3, 1989, Vol. 54, No. 1, page 70. The Habitat Management Plan for the Ash Valley RNA/ACEC recommended acquiring specific private lands supporting special status plant habitat and including them in the Ash Valley RNA/ACEC. The subject land was included in those private lands.

This designation is made for the protection of six special status plant species. The area will be preserved for research and education purposes and the continued existence of the special status plants and their habitat.

This area and management criteria were developed through the planning process (43 CFR part 1610) which included three stages of public participation. The resulting document, the Resource Management Plan Record of Decision for the Alturas Resource Area, signed August 28, 1984, published land use decisions and required support needs. These support needs included the development of a Habitat Management Plan (HMP) for the Ash Valley RNA/ACEC (completed August 26, 1985), restriction of off highway vehicle (OHV) use, and acquisition of private land in the Ash Valley RNA/ACEC area. The HMP incorporated management objectives and the specific actions needed to meet these objectives.

DATES: The designation of these additional acres to the Ash Valley RNA/ACEC is effective on January 8, 1992.

FOR FURTHER INFORMATION CONTACT: Rich Burns, Area Manager, Alturas Resource Area, 608 W. 12th Street, Alturas, CA 96101. Telephone: (916) 233-4666.

Dated: December 19, 1991.

Robert J. Sherve,

Associate District Manager.

[FR Doc. 92-292 Filed 1-7-92; 8:45 am]

BILLING CODE 4310-40-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 December 28, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by January 23, 1992.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Orange County

Santa Fe Railway Passenger and Freight Depot, 140 E. Santa Fe Ave., Fullerton, 91002031

Riverside County

Armory Hall, 252 N. Main St., Lake Elsinore, 91002032

Santa Barbara County

Sexton, Joseph and Lucy Foster, House, 5490 Hollister Ave., Santa Barbara, 91002033

FLORIDA

Sarasota County

Bacheller—Brewer Model Home Estate, 1903 Lincoln Dr., Sarasota, 91002034

GEORGIA

Chattooga County

Summerville Depot, 120 E. Washington, Ave., Summerville, 91002037

ILLINOIS

Tazewell County

Farm Creek Section, S side of Farm Cr., East Peoria vicinity, 91002039

KENTUCKY

Jefferson County

Drumanard (Boundary Increase) (Louisville and Jefferson County MPS), 6401 Wolf Pen Branch Rd., Louisville vicinity, 88002654

MISSISSIPPI

Alcorn County

US Post Office, Old, 515 Fillmore St., Corinth, 91002038

NEW YORK

Herkimer County

Newport Stone Arch Bridge, Bridge St. across W. Canada Cr., Newport, 91002035

Queens County

Flushing High School, 35-01 Union St., Queens, 91002036

VIRGINIA

Botetourt County

Wheatland Manor, N side VA 639 ¼ mi. SE of jct. with VA 638, Fincastle vicinity, 91002040

Essex County

Port Micou, VA 674, at Rappahannock R., Loretto vicinity, 91002041

[FR Doc. 92-282 Filed 1-7-92; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development (A.I.D.) submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than ten days after publication. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Fred D. Allen, (703) 875-1573, FA/AS/ISS, room 1209B, SA-14, Washington, D.C. 20523-1413.

Date Submitted: December 3, 1991.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: A.I.D. 1558-1.

Type of Submission: New Collection.

Title: Financial Status Report.

Purpose: To better conform with the nature of its program, the Office of the American Schools and Hospitals Abroad (ASHA) proposes to replace SF-

269 with AID form 1558-1. This ASHA specific form is essentially a replica of the standard form currently in use by the Agency and approved for GSA by the Office of Management and Budget No. 80-RO180. This form also omits some entries from the SF-269 which have caused confusion or misunderstandings.

Annual Reporting Burden: Respondents: 90; annual responses: 4.88; average hours per response: 126.69; burden hours: 55,744

Reviewer: Lin Liu (202) 395-7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: December 3, 1991.

Elizabeth Baltimore,

Information Support Services Division.

[FR Doc. 92-286 Filed 1-7-92; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-308 (Final)]

Bulk Ibuprofen From India

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-308 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India of bulk ibuprofen, provided for in subheading 2916.39.15 of the Harmonized Tariff Schedule of the United States.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: December 23, 1991.

FOR FURTHER INFORMATION CONTACT: Diane J. Mazur (202-205-3184), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in India of bulk ibuprofen. The investigation was requested in a petition filed on July 31, 1991, by Ethyl Corporation, Richmond, VA.

Participation in the Investigation and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on February 25, 1992, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on March 12, 1992, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before February 25, 1992. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on February 27, 1992, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by § 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is March 6, 1992. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs is March 20, 1992; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before March 20, 1992. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

Issued: January 2, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92-379 Filed 1-7-92; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-320]

Macadamia Nuts: Economic and Competitive Factors Affecting the U.S. Industry

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and public hearing.

EFFECTIVE DATE: December 30, 1991.

SUMMARY: Following receipt on November 20, 1991, of a request from the Committee on Finance, United States Senate, the Commission instituted investigation No. 332-320, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of reporting on the economic and competitive conditions affecting the macadamia nut industry.

More specifically, as requested by the Committee, the Commission will, to the extent possible, develop information pertinent to the macadamia nut industry in the United States, including, but not limited to, the following factors:

(1) The competitive factors affecting the domestic macadamia nut growing and processing industry, including competition from imports of macadamia nuts;

(2) The extent to which trade practices and barriers to trade by other competing countries are impeding the marketing of domestically produced macadamia nuts; and

(3) Current conditions of trade in macadamia nuts between the United States, Australia, and the rest of the world and any recent changes in such conditions, including information on prices, cost of production, and marketing practices.

The Committee requested that the Commission submit its report not later than November 13, 1992.

FOR FURTHER INFORMATION CONTACT: Stephen Burket (202-205-3318) or David Ingersoll (202-205-3309), Agriculture Division, Office of Industries, or William Gearhart (202-205-3091), Office of the General Counsel, U.S. International Trade Commission. Hearing impaired persons can obtain information on this study by contacting the Commission's TDD terminal on (202) 205-1810.

PUBLIC HEARING: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC, at a time and date to be announced.

WRITTEN SUBMISSIONS: Interested persons may submit written statements concerning the investigation. To be assured of consideration, written statements (original plus 14 copies) must be received by the close of business (5:15 p.m.) May 29, 1992. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform to the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

Issued: December 31, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary

[FR Doc. 92-378 Filed 1-7-92; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-321]

Potential Effects of a North American Free Trade Agreement on Apparel Investment in CBERA Countries

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: January 2, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. William Warlick (202-205-3459), Office of Industries, U.S. International Trade Commission, Washington, DC 20436. For information on legal aspects of this investigation, contact Mr. William Gearhart (202-205-3091), Office of the General Counsel, U.S. International Trade Commission, Washington, DC 20436.

SUMMARY: The Commission instituted the investigation following receipt on November 26, 1991, of a request from the United States Trade Representative (USTR), pursuant to authority delegated by the President, for an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). As requested by the USTR, the Commission will seek in its report on the investigation to provide advice to the President, to the extent possible, of the potential effects of providing duty-free and quota-free treatment for U.S. imports of apparel from Mexico under a North American Free Trade Agreement (NAFTA) on the levels of apparel investment in the Caribbean Basin Economic Recovery Act (CBERA) countries, and on the competitiveness of U.S. apparel operations in these countries. As also requested by USTR, the Commission will seek to examine in particular the effects on those operations that produce primarily for import into the United States under heading 9802.00.80 of the Harmonized Tariff Schedule of the United States. Under this heading, cut fabric pieces are exported from the United States, assembled abroad, and then re-imported as finished apparel, with duties assessed only on the non-U.S. value added.

In her letter requesting the investigation, the USTR stated that U.S. apparel manufacturers co-producing in the Caribbean and Central America are concerned that a NAFTA could have a detrimental effect on the competitiveness of their operations in the region, and that countries eligible for benefits under the CBERA have expressed concern over the potential effects of a NAFTA on the levels of investment in the region's apparel industry.

The USTR has requested that the Commission submit its report by June 1, 1992. USTR indicated that the Commission's report and certain Commission staff working papers may be classified as confidential.

PUBLIC HEARING: A public hearing in connection with this investigation will be held beginning at 9:30 a.m. on March 17, 1992, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. All persons have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436, not later than the close of business (5:15 p.m.) on March 3, 1992. In addition, persons testifying at the hearing are encouraged to file prehearing briefs or statements (a signed original and 14 copies) with the Secretary by the close of business on March 6, 1992. The deadline for filing posthearing briefs or statements is the close of business on April 3, 1992. Any confidential business information included in such briefs or statements or to be submitted at the hearing must be submitted in accordance with the procedures set forth in § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

In the event that no requests to appear at the hearing are received by the close of business on March 3, 1992, the hearing will be cancelled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission (202-205-2000) after March 5, 1992 to determine whether the hearing will be held.

WRITTEN SUBMISSIONS: Interested persons are invited to submit written statements relating to the investigation in addition to or in lieu of appearing at the hearing. Commercial or financial information that a party wishes the Commission to treat as confidential must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6)—that is, it must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. (Generally, submission of separate confidential and public versions, each so marked, of the document would be appropriate.) All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. In order to be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest possible date and should be received no later than April 3, 1992. All submissions should be addressed to the Secretary of the Commission at the Commission's office in Washington, DC.

Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1809.

Issued: January 2, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92-375 Filed 1-7-92; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-540 and 541 (Preliminary)]

Certain Welded Stainless Steel Pipes From the Republic of Korea and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines [2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the Republic of Korea and Taiwan of certain welded stainless steel pipes,[3] provided for in subheadings 7306.40.10 and 7306.40.50 and covered by statistical reporting numbers 7306.40.1000, 7306.40.5010, 7306.40.5030, 7306.40.5050, and 7306.5070 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On November 18, 1991, a petition was filed with the Commission and the Department of Commerce by Avesta Sandvik Tube, Inc., Schaumberg, IL; Bristol Metals, Bristol, TN; Damascus Tubular Products, Greenville, PA; Trent Tube Division, Crucible Materials Corp., East Troy, WI; and the United Steelworkers of America, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of certain welded stainless steel pipes from the Republic of Korea and Taiwan. Accordingly, effective November 18, 1991, the Commission instituted antidumping investigations Nos. 731-TA-540 and 541 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 26, 1991 (56 FR 59961). The conference was held in Washington, DC, on December 10, 1991, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on January 2, 1992. The views of the Commission are contained in USITC Publication 2474 (January 1992), entitled "Certain Welded Stainless Steel Pipes from the Republic of Korea and Taiwan: Determinations of the Commission in Investigations Nos. 731-TA-540 and 541 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: January 3, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92-376 Filed 1-7-92; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Crawford and Commissioner Watson not participating.

[3] For purposes of these investigations, the subject product is austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A-312. Welded ASTM A-312 pipe is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. Welded ASTM A-312 pipe is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for welded ASTM A-312 pipe include, but are not limited to digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines, and paper process machines.

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 401)]

CSX Transportation, Inc.—Abandonment—Between Delphi and Frankfort, IN; Findings

The Commission has found that the public convenience and necessity permit CSX Transportation, Inc., to abandon service over its 25.28-mile line of railroad between Delphi (milepost QA-112.22) and Frankfort (milepost QA-137.50), in Carroll and Clinton Counties, IN.

A certificate has been issued authorizing abandonment unless, within 15 days after publication, the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from the publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR part 1152.

Decided: December 31, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-332 Filed 1-7-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-354 (Sub-No. 1X)]

Rochester & Southern Railroad, Inc.—Abandonment Exemption—Wyoming, Allegany, and Cattaraugus Counties, NY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Rochester & Southern Railroad, Inc., of 33.3 miles of rail line between Silver Lake Junction, near Silver Springs, NY (milepost 50.0), and the diamond near Machias, NY (milepost 83.3), in Wyoming, Allegany, and Cattaraugus Counties, NY, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on January 19, 1992. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by January 18, 1992, petitions to stay must be filed by January 15, 1992, and petitions to reopen must be filed by January 23, 1992. Requests for a public use condition must be filed by January 15, 1992.

ADDRESSES: Send pleadings referring to Docket No. AB-354 (Sub-No. 1X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and

(2) Petitioner's representative: Charles D. Crampton, Harter, Secrest & Emery, 700 Midtown Tower, Rochester, NY 14604.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 926–5660, (TDD for hearing impaired: (202) 927–5721.).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927–5721.)

Decided: December 24, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–333 Filed 1–7–92; 8:45 am]

BILLING CODE 7035-01-M

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 23rd day of December 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Avison Lumber Co (Co.)	Molalla, OR	12/23/92	12/13/91	26,681	Lumber—Framing.
Barnhart Drilling Co., Inc (Co.)	Riverton, WY	12/23/92	12/10/91	26,682	Uranium, Oil, Gas drilling.
Barrett & Blandford, Inc (Workers)	Eatontown, NJ	12/23/92	12/10/91	26,683	Precision Optics for Night Vision.
Bendik Oldsmobile (Workers)	Pittsburgh, PA	12/23/92	11/04/91	26,684	Automobile Sales.
DuBois Chemicals (Workers)	East Rutherford, NJ	12/23/92	12/16/91	26,685	Industrial Soap.
Martin Blouse Co ACTWU	Shenandoah, PA	12/23/92	12/10/91	26,686	Blouses.
Muskogee Inspection Co (Co)	Muskogee, OK	12/23/92	12/11/91	26,687	Oil Country Tubular Goods.
Scientific Drilling Int'l, Inc (Workers)	Mills, WY	12/23/92	12/09/91	26,688	Natural Gas and Oil.
Tubular Corp of America (Co)	Muskogee, OK	12/23/92	12/11/91	26,689	Oil Tubular Goods.
Wiman Apparel, Div. of WMI Co ACTWU	Goylord, MN	12/23/92	12/16/91	26,690	Jackets Outerwear.

[FR Doc. 92–327 Filed 1–7–92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,511]

Encore Shoe Corporation; Chase City, VA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 4, 1991, in response to a worker petition which was filed on November 4, 1991 on behalf of workers at Encore Shoe Corporation, Chase City, Virginia.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA-W-26,486). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 23rd day of December 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-328 Filed 1-7-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,304]

Quad Offshore, Inc., Scott, LA; 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 Quad Offshore, Incorporated, Scott, Louisiana. 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-26,304; Quad Offshore, Incorporated, Scott, Louisiana (December 30, 1991).

Signed at Washington, DC, this 31st day of December, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-329 Filed 1-7-92; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 92-1; Exemption Application No. D-8633, et al.]

Grant of Individual Exemptions; General Electric Pension Trust, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

General Electric Pension Trust (the Trust) Located in Fairfield, Connecticut

[Prohibited Transaction Exemption 92-1; Exemption Application No. D-8633]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply, effective April 24, 1990, to the past and proposed lease by the Trust of space in a commercial office building located at 353 Sacramento Street in San Francisco, California (the Building) to the General Electric Capital Computer Leasing Corporation (CCLC), previously known as the Decimus Corporation, a party in interest with respect to the employee benefit plans participating in the Trust; provided that (1) such lease is on terms no less favorable to the Trust than those which the Trust could obtain in an arm's-length transaction with an unrelated party, and (2) CCLC does not lease more than 25 percent of the leasable space in the Building.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 6, 1991 at 56 FR 56666.

EFFECTIVE DATE AND TEMPORARY NATURE OF THE EXEMPTION: This exemption is effective April 24, 1990 and will expire December 31, 2001.

WRITTEN COMMENTS: The Department received one written comment and no requests for a hearing. The comment was submitted on behalf of the trustees of the Trust (the Applicant) in supplementation of the Summary of facts and Representations in the Notice of Proposed Exemption:

(1) The Applicant represents that the Plans participating in the Trust include four defined benefit pension plans sponsored by companies affiliated with General Electric, the assets of which constitute less than 2 percent of total Trust assets, identified as follows: Knolls Atomic Power Laboratory Pension Plan, Neutron Devices Department Pension Plan, NBC Retirement Plan for Certain Union Represented Employees, and CPPR Pension Plan.

(2) The Applicant states that each Trustee is an officer of GEIC, A General Electric subsidiary, and that the Trustees are appointed by the Benefit Plans Investment Committee of General Electric, the members of which are appointed by the Board of Directors of General Electric.

(3) The Applicant notes that the third section of the Summary contains a statement that the Building's value constitutes less than three-hundredths of one percent of the Trust's assets. The Applicant represents that the leased space in the Building constitutes approximately thirty-six hundredths of 1 percent of the Trust's assets, while the

Building itself constitutes approximately three-tenths of 1 percent of the Trust's assets.

(4) The Applicant notes that the first paragraph of section 5 of the Summary indicates that the 15th floor of the Building constitutes a total of 9,256 square feet of office and storage space. The Applicant represents that the square footage of the fifteenth floor is described more accurately in the second paragraph of section 5 as a total of 11,556 square feet.

(5) The Applicant represents that Decimus Corporation changed its name, effective October 1, 1991, to General Electric Capital Computer Leasing Corporation.

After consideration of the entire record, including the Applicant's comment, the Department has determined to grant the exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Willett at the Department, telephone (202) 523-8881. (This is not a toll-free number.)

NECA-IBEW Welfare Trust Fund (the Plan) Located in Decatur, Illinois

[Prohibited Transaction Exemption 92-2; Exemption Application No. L-8713]

Exemption

The restrictions of section 406(a) of the Act shall not apply to the cash sale (the Sale) of certain real property (the Property) to the Plan by Mr. Larry Lawler and Mrs. Shelby J. Lawler, husband and wife (Mr. and Mrs. Lawler), parties in interest with respect to the Plan, provided that the Plan pays the lesser of (1) $280,000 or (2) the fair market value of the Property as determined on the date of the Sale by a qualified, independent appraiser. Mr. and Mrs. Lawler will also convey certain personal property to the Plan in conjunction with the transaction for no additional charge to the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 13, 1991, at 56 FR 57682.

FOR FURTHER INFORMATION CONTACT: Mr. C. E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Horne CPA Group Profit Sharing Plan and Trust (the Plan) Located in Laurel, Mississippi

[Prohibited Transaction Exemption 92-3; Exemption Application No. D-8756]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a series of loans by the Plan (the Loans) over a five-year period, not to exceed the total principal amount of the lesser of 25 percent of the Plan's assets or $300,000, to the Horne CPA Group, a party in interest with respect to the Plan; provided that all terms and conditions of the Loans are at least as favorable to the Plan as those which the Plan could obtain in arm's-length transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 13, 1991 at 56 FR 57683.

TEMPORARY NATURE OF THE EXEMPTION: This exemption is effective only for Loans entered into within a period of five years commencing with the date on which this exemption is published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Richard Edward Gruskin Keogh Plan (the Plan) Located in New London, Connecticut

[Prohibited Transaction Application 92-4; Exemption Application D-8832]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed loan of $50,000 (the Loan) by the Plan to Richard E. Gruskin [1] (Mr. Gruskin), a disqualified person with respect to the Plan, provided that the following conditions are satisfied:

(A) On the day the transaction is entered into, the Loan will be secured by a first mortgage on certain real property (the Property), which will be appraised by a qualified independent appraiser to assure that the net fair market value of the Property is at least 150% of the amount of the Loan.[2]

(B) The net fair market value of the collateral will remain at least 150% of the Loan to collateral ratio for the duration of the Loan;

(C) On the date the transaction is entered into, the interest rate on the Loan will be determined by reference to the interest rate that an independent bank or a similar financial institution would charge on a comparable loan of similar duration and risk;

(D) On the date the transaction is entered into, the promissory note which will evidence the Loan, will reflect the current interest rate and repayment schedule and will include a provision that if the Property is sold to an independent third party at any time during the term of the Loan, the outstanding principal balance plus any accrued, but unpaid interest on the Loan will become immediately due and payable;

(E) The Loan will at no time exceed 25% of the Plan's total assets, and the Plan will incur no expenses with respect to the transaction; and

(F) Mr. Tedeschi, the independent trustee of the Plan, will be responsible for monitoring the Loan repayment and enforcing the rights of the Plan with respect to the Loan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 25, 1991 at 56 FR 59300/59301.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and

[1] Because Mr. Gruskin is the only participant in the Plan and the Employer is wholly owned by Mr. Gruskin there is no jurisdiction under title I of the Act pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under title II of the Act pursuant to section 4975 of the Code.

[2] Net fair market value in this case refers to fair market value after all and any takes, liens, easements and any other encumbrances on the Property have been accounted for.

beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 2nd day of January, 1992.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 92-363 Filed 1-7-92; 8:45 am]

BILLING CODE 4510-29-M

[Proposed Prohibited Transaction Exemption D-8819]

Pilgrim's Pride Retirement Savings Plan (the Plan) Located in Pittsburg, TX

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Correction.

SUMMARY: In 56 FR published at page 66651 on Tuesday, December 24, 1991, make the following corrections:

On page 66651, in the third column, delete from "(1) The proposed cash sale * * * (to the end of the paragraph)" and insert "(1) The proposed cash sale of two parcels (herein identified as Parcels #10 and #11) of improved and unimproved real property by the Plan to Pilgrim's Pride Corporation (the Employer), a party in interest with respect to the Plan; and (2) the proposed cash sale of nine other parcels (herein identified as Parcels #1 through #9) of improved and unimproved real property by the Plan to the Employer, provided the following terms and conditions are met: (a) The terms of the sales are not less favorable to the Plan than similar terms negotiated at arm's length between unrelated third parties; (b) the aggregate sales price of Parcels #10 and #11 is the greater of $14,308, the total cost to the Plan in acquiring such parcels, or the sum of the fair market values of Parcels #10 and #11, as determined by an independent, qualified appraiser, on the date of the sale; and (c) the aggregate sales price of Parcels #1 through #9 is the greater of $559,900 or the sum of the fair market values of Parcels #1 through #9, as determined by an independent, qualified appraiser, on the date of the sale.

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

Ivan L. Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 92-364 Filed 1-7-92; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-8687, et al.]

Proposed Exemptions; United States Trust Company of New York, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice of Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 2975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

United States Trust Company of New York (U.S. Trust) Located in New York, NY

[Application No. D-8687]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the restrictions of section 406(b)(1) and 406(b)(2) of the Act and

the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code, shall not apply to the payment of an incentive fee (the Incentive Fee) to Crown Trust Advisors, Inc. (Crown), by employee benefit plans (the Participating Plans) investing in the "Crown Trust" (the Pooled Trust), in connection with services rendered by Crown with respect to investments in the Pooled Trust provided:

(1) The decision to invest plan assets in the Pooled Trust shall be made by a plan fiduciary who is independent of U.S. Trust and Crown.

(2) Each plan investing in the Pooled Trust shall have total assets that are in excess of $50 million and no plan shall invest more than 10 percent of its assets in the Pooled Trust.

(3) No plan shall invest an amount which exceeds 25 percent of the total of plan assets in the Pooled Trust immediately after such investment.

(4) Prior to making an investment in the Pooled Trust, each plan fiduciary shall receive offering materials which disclose all material facts concerning the purpose, structure and operation of the Pooled Trust.

(5) The terms of all transactions that are entered into on behalf of the Pooled Trust by U.S. Trust or Crown shall be at least as favorable to the Participating Plans as those obtainable in arm's length transactions between unrelated parties.

(6) The fees paid by the Pooled Trust to U.S. Trust and Crown shall constitute no more than reasonable compensation.

(7) Crown's incentive fee will be based upon the aggregate of all realized and unrealized capital gains and losses and all income less any expenses, other than the incentive fee, during the period for which Crown provides investment services to the Pooled Trust. Investments will be made in securities for which market quotations are either readily available, or persons independent of Crown and U.S. Trust will make an independent valuation of securities for which market quotations are not readily available.

(8) Each Participating Plan shall receive the following from U.S. Trust:

(a) Audited financial statements, prepared by independent qualified public accountants, of the Pooled Trust, on an annual basis; and

(b) Quarterly reports relating to the overall financial position and operating results of the Pooled Trust which include a breakdown of all fees paid by the Pooled Trust and the value of a Participating Plan's interest in the Pooled Trust.

(10) U.S. Trust shall maintain, for a period of six years, the records necessary to enable the persons described in paragraph (11) of this section to determine whether the conditions of this exemption have been met, except that (a) a prohibited transaction will not be considered to have occurred, if due to circumstances beyond the control of U.S. Trust and Crown (and/or their affiliates), the records are lost or destroyed prior to the end of the six year period, and (b) no party in interest other than U.S. Trust or Crown shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (9) below.

(11) (a) Except as provided in section (b) of this paragraph and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (9) of this section shall be unconditionally available at their customary location during normal business hours by:

(1) Any duly authorized employee or representative of the Department or the Internal Revenue Service;

(2) Any fiduciary of a Participating Plan who has the authority to acquire or dispose of the interests of the plan or any duly authorized representative of such fiduciary;

(3) Any contributing employer to any Participating Plan that has an interest in the Pooled Trust or any duly authorized employee or representative of such employer; and

(4) Any participant or beneficiary of any Participating Plan that has an interest in the Pooled Trust or any duly authorized representative of such participant or beneficiary.

(b) None of the persons described above in subparagraphs (2)–(4) of this paragraph (10) shall be authorized to examine the trade secrets of U.S. Trust or Crown or commercial or financial information which is privileged or confidential.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material facts which are the subject of this exemption.

Summary of Facts and Representations

1. U.S. Trust, founded in 1853 in New York, New York is subject to regulation as a trust company by the State of New York. U.S. Trust is the principal subsidiary of U.S. Trust Corporation, a member bank of the Federal Reserve System and the Federal Deposit Insurance Corporation and an entity having approximately $2.5 billion in assets as of 1990.

Currently, U.S. Trust actively manages assets of $18 billion and acts as trustee or custodian for $1.5 billion of the assets of pension and profit sharing plans that are subject to the provisions of the Act. U.S. Trust will serve as the trustee of the Pooled Trust that is described herein.

2. The Pooled Trust that will be established by U.S. Trust is a vehicle intended for the collective investment of a portion of the assets of approximately 5–10 unrelated employee benefit plans that are subject to the provisions of title I of the Act and sections 401(a) and 501(a) of the Code. The Pooled Trust will be qualified as a tax-exempt "group trust," as described in Rev. Rul. 81–100, 1981–1 C.B. 326. The duration of the Pooled Trust will be 7 years. At least 80 percent of the Pooled Trust's assets will be invested in publicly-traded securities. In addition, up to 20 percent of the Pooled Trust's assets will be placed in nonmarketable securities of small and newly formed companies (Venture Capital Investments). Idle cash balances will be invested in a short-term investment fund maintained by U.S. Trust. Investments by the Pooled Trust will not be made on a leveraged basis.

3. U.S. Trust will retain Crown to provide services with respect to investments in the Pooled Trust. Crown will not be an entity related to U.S. Trust or the Participating Plans. Further, Crown will not be a subsidiary or affiliate of U.S. Trust, nor will U.S. Trust and Crown have any common ownership by any individual or entity. In addition, Crown will be precluded from investing in the Pooled Trust.

The principals of Crown Advisors Ltd. (Crown Ltd.) and the principals of Glynn Capital Management (Glynn), are forming Crown as a Subchapter S corporation, to utilize their broad experience in institutional money management, investment banking, venture capital investment and operating management, by providing jointly, investment management services to clients, including investment funds such as the Pooled Trust. Crown Ltd. was formed in 1981, and is devoted to long term investment of capital in small public and private growth companies. Currently, Crown Ltd. has approximately $300 million in assets under management of which approximately $130 million constitutes assets or employee benefit plans.

Glynn, founded in 1983, currently has approximately $60 million in assets under management. Glynn specializes in

identifying and managing public and private growth companies.

4. Under the terms of the master trust agreement (the Master Trust Agreement), U.S. Trust will be responsible for the administration and oversight of the assets of the Pooled Trust, as trustee of the Pooled Trust. The Master Trust Agreement expressly authorizes U.S. Trust to employ Crown. Pursuant to the Master Trust Agreement, U.S. Trust will enter into the investment management agreement (the Investment Management Agreement) with Crown whereby Crown will be retained with investment management authority with respect to the assets of the Pooled Trust.

5. Crown will have complete discretion to make all of the investment decisions with respect to the assets of the Pooled Trust including, but not limited to, the execution of purchases and sales of securities transactions through one or more unrelated brokers. U.S. Trust's responsibilities include, but are not limited to, the supervision and monitoring of the performance of Crown as well as removing Crown where appropriate.

6. The Pooled Trust will be capitalized with no less than $100 million, with each Plan contributing at least $5 million for the acquisition of units of beneficial interest (the Interests) in the Pooled Trust.[1] Each Participating Plan will have aggregate assets of at least $50 million. No Participating Plan will be permitted to invest an amount which exceeds 25 percent of the total assets in the Pooled Trust immediately after such investment. Further, no Participating Plan may invest more than 10 percent of its assets in the Pooled Trust, as determined on the date of the investment.

7. The decision by a plan to invest in the Pooled Trust will be made by a plan fiduciary who is independent of U.S. Trust and of Crown. In this regard, U.S. Trust represents that it and Crown, will not cause a plan to invest in the Pooled Trust. In each instance, the plan fiduciary who makes the investment decision will agree not to rely on either the advice of U.S. Trust or Crown as the primary basis for a plan's investment and such plan fiduciary will be specifically required to do so in every instance. U.S. Trust represents that the decision of a plan to invest in the Pooled Trust will be made by an unrelated plan fiduciary acting on the basis of his or her own investigation into the advisability of investing in the Pooled Trust.[2]

8. Prior to investing in the Pooled Trust, each Plan fiduciary will receive copies of: (a) The Master Trust Agreement; (b) the Investment Management Agreement; (c) the final prohibited transaction exemption pertaining to the relief provided herein; and (d) an offering circular, containing descriptions of U.S. Trust and Crown, the investment philosophy, risks and management of the Pooled Trust, and the fees that will be paid by Participating Plans to U.S. Trust and Crown. Once a decision to invest has been made, the Participating Plan fiduciary will be provided with the names and addresses of all other Participating Plans. In addition, U.S. Trust will provide each Participating Plan fiduciary with quarterly statements showing the overall performance of the Pooled Trust as well as such Participating Plan's Interest in the Pooled Trust within 45 days of the end of the quarter.

9. A Participating Plan will have the right to assign its interest in the Pooled Trust to another plan so long as the assignment will not result in the assignee plan exceeding the limits set forth in the Pooled Trust. The decision to invest in the Pooled Trust by an assignee plan will be made by the assignee plan's fiduciary who is independent of U.S. Trust and of Crown. However, due to the illiquid nature of the Venture Capital Investments, no Participating Plan will be able to withdraw from the Pooled Trust unless it receives a well reasoned opinion of legal counsel that the withdrawal is required to enable such Participating Plan to comply with the Act.

10. U.S. Trust will provide written guidelines describing how a Participating Plan may withdraw from the Pooled Trust. Any such withdrawal will be effective as of the end of the fiscal year in which the legal opinion is provided to U.S. Trust and Crown by the Participating Plan. Upon withdrawal, 100 percent of the balance of the Participating Plan's account will be distributed to such Participating Plan including its pro rata distribution of Venture Capital Investments. U.S. Trust represents that the illiquid nature of the Venture Capital Investments held by the Pooled Trust requires that voluntary withdrawals are not permitted other than under these limited circumstances.

11. Crown will inform the Participating Plans that: (a) Crown and its affiliates may perform investment advisory and management services for various clients other than the Pooled Trust, (b) nothing in the Trust Agreement, Investment Management Agreement or any other related document will be deemed to impose upon Crown any obligation to purchase or sell on behalf of, or to recommend for purchase or sale by, the Pooled Trust any security with Crown or its affiliates may purchase or sell for its own account, or for the account of any other client; and (c) concurrently with the establishment of the Pooled Trust, Crown intends to establish a limited partnership none of the assets of which would be assets of ERISA-covered plans. Crown would serve as the general partner or investment manager of this limited partnership. Crown would limit its own investment in the limited partnership to the amount necessary to establish general partner status (1 percent or less of the limited partnership's assets). The Pooled Trust will not invest in the limited partnership. The limited partnership and any other clients of Crown will not directly invest in the Pooled Trust. Furthermore, the Pooled Trust will be prohibited from directly purchasing assets from or selling assets to the limited partnership and such other clients. In addition, U.S. Trust represents that the fee arrangement of the limited partnership will be identical to that of the Pooled Trust. The timing of the payment of such fees may, however, differ.[3]

12. The Pooled Trust may be terminated, earlier than the seven year term, by Participating Plans holding 51 percent of the fair market value of the Interests in the Pooled Trust (the Controlling Plans) upon giving at least 180 days prior written notice to U.S. Trust. In addition, the Pooled Trust will terminate automatically if U.S. Trust (a) resigns (upon giving all Participating Plans and Crown at least 90 days prior written notice) or (b) is removed by the Controlling Plans (upon being given 30 days advance written notice) prior to the appointment of a successor trustee. The Controlling Plans will have the right to appoint a successor Trustee. In addition, during the 60 day period

[1] The Department is not proposing, nor is the applicant requesting herein, exemptive relief for the purchase and sale of the Interests in the Pooled Trust between U.S. Trust and the investing plans beyond that provided under section 408(b)(8) of the Act.

[2] The Department is not expressing an opinion on whether U.S. Trust and Crown would be deemed to be fiduciaries under section 3(21)(A)(ii) of the Act with respect to a plan's investment in the Pooled Trust. The Department, however, notes that it is not proposing relief for the rendering of investment advice in connection with the acquisition of Interests in the Pooled Trust.

[3] The Department is not proposing, nor is the applicant requesting, any relief for any prohibited transaction which may arise from Crown's allocation of investment opportunities among accounts over which it has discretion.

following the appointment of a successor trustee, each Participating Plan will be given an opportunity to withdraw from the Pooled Trust.[4]

13. Assets of the Pooled Trust will not be distributed to Participating Plans until the termination of the Pooled Trust at the end of its seven year term, unless (a) the Pooled Trust is terminated earlier pursuant to a vote of the Controlling Plans, or (b) a Participating Plan withdraws from the Pooled Trust in order to comply with the Act, as described above, or (c) a Participating Plan withdraws from the Pooled Trust in connection with the resignation or removal, of U.S. Trust as trustee or, of Crown.

14. U.S. Trust and Crown will receive certain fees from the Pooled Trust based upon a multi-part fee structure that will be set forth in the Master Trust Agreement and in the Investment Management Agreement and approved by the Participating Plans. The applicant represents that the payment of all other fees by the Participating Plans with the exception of the Incentive Fee will conform with the terms and conditions of section 408(b)(2) of the Act.[5] U.S. Trust represents that an exemption may be required with respect to Crown's receipt of an incentive fee which is described below.

15. Crown will receive the Incentive Fee based upon a percentage of the net appreciation or depreciation of the Pooled Trust (i.e., profits minus losses) which will take into account realized and unrealized gains and losses of the Pooled Trust as measured on periodic adjustment dates on which the value of the Pooled Trust is determined.[6] The Incentive Fee is a cumulative rolling fee which will be paid to Crown in cash at the termination of the Pooled Trust or upon Crown's termination by either U.S. Trust or the Controlling Plans.

If Crown terminates the Investment Management Agreement within two years of the inception of the Pooled Trust, the incentive fee will not apply to that period. In the event Crown terminates the Investment Management Agreement after the initial two years of the Pooled Trust, the Incentive Fee will not be payable until the end of the original seven year term of the Pooled Trust.

16. Initially, the Incentive Fee will be reflected as a liability of the Pooled Trust and represent a zero amount bookkeeping entry in the Incentive Fee account. As amounts are periodically credited to or debited from such account, the liability to Crown will be proportionately increased or decreased. Neither U.S. Trust nor Crown will have any direct interest in the amount accruing to the Incentive Fee account other than the right of Crown to receive payment. Moreover, any unpaid portion of the Incentive Fee will not accrue interest or earnings of any kind.

17. For purposes of calculating the Incentive Fee, the assets of the Pooled Trust will be valued, on any Adjustment Date, in the following manner:

(a) Any security which is listed on a national securities exchange will be valued based on its last sales price on the national securities exchange on which the security is principally traded on the Adjustment Date, or, if trading in such security on such exchange was reported on the consolidated tape, the last sales price, on that day, as reported on the consolidated tape. In the event the Adjustment Date is not a date upon which the exchange was open for trading, the value shall be determined in the same manner as if the Adjustment Date was the last prior date the security was traded on the exchange.

In the event that a sale of a security listed on a national securities exchange did not occur on either of the foregoing dates, such security will be valued based on the last "bid" price on the national securities exchange on which the security was principally traded, or if the "bid" price of the security was reported on the consolidated tape, the "bid" price on the consolidated tape. In the event that the Adjustment Date is not a date on which the exchange was open for trading, the value will be determined in the same manner as if the Adjustment Date was the last prior date on which the exchange was open.

(b) Any security which is not listed on a national securities exchange will be valued upon the last closing "bid" price, unless on that day the security was included on the NASDAQ National Market System (in which case the security will be valued based upon its last readily available sales price).

(c) Any security for which a market quotation is not readily available will be valued by a committee (the Valuation Committee) comprised of persons who are independent of U.S. Trust and Crown. The Valuation Committee will be appointed, by U.S. Trust and Crown, prior to the formation of the Pooled Trust and the identity of its members will be disclosed to the fiduciaries of the plans preceding their decision to invest in the Pooled Trust. Each member of the Valuation Committee will derive (and continue to derive for the duration of his membership on the Valuation Committee) less than 5 percent of his or her lowest income (which will be recalculated each year that the Pooled Trust is in effect) from U.S. Trust or Crown for each of the three years prior to his or her appointment. Members of the Valuation Committee may be removed by Crown for cause only, or by the Controlling Plans upon five days advance written notice. Replacements for members of the Valuation Committee must be approved by the Controlling Plans in writing.

Each of the members of the Valuation Committee will have prior experience, as a fiduciary, a fund manager or an adviser, in the valuation and/or management of investments similar to the investments of the Pooled Trust.

18. At least once each year, an audit will be made of the Pooled Trust by auditors who are independent certified

[4] Although the Investment Management Agreement will have a term that is co-extensive with the term of the Pooled Trust, such agreement will also be subject to earlier termination by U.S. Trust upon at least 90 days prior written notice to Crown, but only (a) under circumstances in which the failure to terminate would be considered to be a breach by U.S. Trust of its fiduciary duties under the Act or (b) if the Controlling Plans request such termination. However, no such termination will be effective until the appointment by U.S. Trust of an investment manager independent of U.S. Trust and each of the Participating Plans. Any replacement for Crown must be approved by the Controlling Plans in writing.

In addition, Crown may terminate the Investment Management Agreement upon at least 90 days prior written notice to U.S. Trust. In the event of the termination of the Investment Management Agreement, each participating Plan shall have the right to withdraw from the Pooled Trust during the 60 day period following the date of such termination.

[5] The other components of the fee structure include a quarterly fee payable to U.S. Trust, based upon a stated percentage of the value of the Pooled Trust's assets, and a quarterly asset management fee paid to Crown based upon a stated percentage of net aggregate contributions. Net aggregate contributions will not include profits (if any) and may only be reduced by withdrawals. Upon the effective date of a withdrawal from the Pooled Trust, a Participating Plan will receive a distribution of the balance of its account equal to its allocated share of the value, based upon readily available market quotations or valuations by an independent valuation committee, of the assets of the Pooled Trust. Upon such effective date, a Participating Plan will have no further obligation to the Pooled Trust. The Department notes that the relief provided by this proposed exemption, if granted, is limited solely to the Incentive Fee.

[6] An "Adjustment Date" will occur only on each of the following events: (a) the last day of each fiscal quarter; (b) on the date a plan makes a contribution to the Pooled Trust; (c) the effective date of a withdrawal by a Participating Plan from the Pooled Trust (i.e., the last day of the fiscal year in which the withdrawing plan provides the required opinion of counsel); (d) the effective date of the termination of the Pooled Trust (i.e., the final adjustment date); (e) the effective date of the termination of the Investment Management Agreement.

public accountants retained by U.S. Trust. It is anticipated that the auditors' report will be disseminated to fiduciaries of the Participating Plans within 90 days following the fiscal year end of the Pooled Trust.

19. In summary, it is represented that the proposed investment by the Plans in the Pooled Trust will satisfy the statutory criteria for an exemption under section 408(a) of the Act because (a) with respect to plan investment in the Pooled Trust: (i) the decision to invest in the Pooled Trust will be made on behalf of a plan by a fiduciary who is independent of U.S. Trust and Crown following full disclosure of all material facts regarding the purpose, structure and operation of the Pooled Trust; (ii) only plans with at least $50 million in assets will be permitted to invest in the Pooled Trust and no plan may invest more than 10 percent of its assets in the Pooled Trust or contribute an amount that exceeds 25 percent of the total contributions of all plans investing in the Pooled Trust; (iii) Controlling Plans will have the right to remove U.S. Trust, and to request the replacement and approve any successors of members of the Valuation Committee and Crown; and (b) with respect to the receipt of the Incentive Fee by Crown in connection with services rendered to the Pooled Trust: (i) The fee structure will be approved by independent plan fiduciaries acting on behalf of the Participating Plans and will take into account both realized and unrealized gains and losses; (ii) the valuation of the assets in the Pooled Trust will be based on readily available market quotations or will be made by an independent valuation committee; (iii) Crown will not have any authority to unilaterally cause the payment of the fee before the end of the original seven year term of the Pooled Trust; (iv) Participating Plans will possess a level of investor sophistication which enables each Participating Plan to engage in on-going and independent monitoring of Crown.

FOR FURTHER INFORMATION CONTACT: Eric Berger, Department of Labor, Pension and Welfare Benefits Administration, Office of Exemption Determinations, telephone (202) 523-8971. (This is not a toll-free number.)

C & S Ellison, Inc., Defined Benefit Pension Plan and Trust (the Plan) Located in Fort Myers, Florida

[Application No. D-8765]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale by the Plan of certain parcels of real property (collectively; the Property) to Chalmas S. Ellison and Sandra L. Ellison (Mr. and Mrs. Ellison), husband and wife, and as such disqualified persons[7] with respect to the Plan; provided the Plan receives the greater of: (1) The fair market value of the Property as determined at the time of the sale by an independent qualified appraiser; or (2) the initial acquisition costs for the Property plus the aggregate holding costs incurred by the Plan since the initial acquisition of the individual parcels that make up the Property.

Summary of the Facts and Representations

1. The Plan, amended on June 16, 1991, is a defined benefit pension plan, which as of September 30, 1990, had $298,630 in total assets, and two participatns. Mr. and Mrs. Ellison, the applicants, represent that they have decided to terminate the Plan, but have not yet begun the termination procedures. The current trustees of the Plan are the Plan participatns, Mr. and Mrs. Ellison, who also wholly own C&S Ellison Inc., a Florida corporation established on December 30, 1988, which is the Plan sponsor (the Employer). The applicants represent that while the predecessor of the Employer, Procraft Batteries Inc., was engaged in the sale of automobile batteries at retail and wholesale, the Employer is currently not engaged in the active conduct of a trade or business.

2. The Property is located in Pasco County, Florida, and consists of three parcels. The first parcel of real estate was purchased on November 11, 1988, from Thomas R. Riffle, who it is represented is an independent third party with respect to the Plan and the Employer, for a total purchase price of $54,900 (the First Parcel). The First Parcel contains approximately 1.2 acres, upon which is a 1970 12×55 Parkway mobile home. The applicants represent that Mr. and Mrs. Ellison personally own a parcel which is adjacent to the First Parcel. The second parcel was purchased on June 13, 1987, from George Hayes and Isabelle Hayes, who it is represented are independent third parties with respect to the Plan and the Employer, for a purchase price of $43,000 (the Second Parcel). The Second Parcel contains slightly less than one acre, upon which is a 1979 14×60 Windsor mobile home. The applicants represent that the mobile homes and other attached improvements were already on the First and Second Parcels at the time these Parcels were acquired by the Plan. The third parcel was purchased on February 13, 1990, from Carlton E. Ellison and Elsie V. Ellison for a total purchase price of $28,000 (the Third Parcel). The applicants maintain that Carlton E. Ellison is Mr. Ellison's brother.[8] The Third Parcel contains approximately 1.3 acres and is unimproved. Furthermore, it is represented that the Property was not developed during the time it was held by the Plan, and that the Property was originally acquired by the Plan for investment purposes via cash purchases and as such there is no outstanding debt or mortgage on the Property. The applicants maintain that the Property has not been used by any parties in interest since initial acquisition by the Plan.

3. The applicants represent that the First and Second Parcels are currently leased to independent third parties. Specifically, the First Parcel is leased to Richard and Cheri Wagner for an annual rent of $5,700, and the Second Parcel is leased to Charles and Lois Savage for an annual rent of $5,460. The applicants represent that from the date of acquisition until the end of 1991, the approximate holding costs for the First Parcel were $3,410.42, for the Second

[7] Because Mr. and Mrs. Ellison are the only participants in the Plan and the Employer is wholly owned by Mr. and Mrs. Ellison, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3-3 (b) and (c). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

[8] Carlton E. Ellison does not appear to be a disqualified person under section 4975(e)(2) of the Code. However, section 4975(c)(1) (D) and (E) of the Code provides, in relevant part, that a prohibited transaction means a direct or indirect transfer to, or use by or for the benefit of, a disqualified person of the income or assets of a plan or an act by a disqualified person who is a fiduciary whereby he deals with the income or assets of the plan in his own interest or for his own account. Mr. and Mrs. Ellison may have had an interest in the transaction which may have affected their best judgement as fiduciaries of the Plan. The Department, in this instance, expresses no opinion whether the purchase by the Plan of the Third Parcel from Carlton E. Ellison, is a prohibited transaction under section 4975(c)(1) (D) and (E) of the Code, and no relief is provided herein.

Furthermore, the Department notes that section 401(a) of the Code provides, in relevant part, that in order for a plan to be a qualified trust it must be impossible, prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than exclusive benefit of his employees or their beneficiaries. The Internal Revenue Service has jurisdiction over section 401(a) of the Code.

Parcel they were $3,126.06 and for the third parcel they were $631.01, for an aggregate total of $7,167.49 (the Aggregate Holding Costs). The applicants represent that the Aggregate Holding Costs were paid by the Plan.[9]

4. The applicants propose to purchase the Property from the Plan in a one-time cash sale. The applicants represent that the Plan will bear no costs with respect to these transactions. An appraisal of the Property was prepared on March 15, 1991, by Audrey M. Leach and Norman M. Leach (the Appraisers), located in Zephyrhills, Florida. The applicants represent that the Appraisers are Florida state certified residential appraisers and that they are independent and qualified. The Appraisers relied on the market value approach and determined that as of February 28, 1991, the aggregate fair market value of the Property was $127,500. In an update to the appraisal, dated September 13, 1991, the Appraisers addressed the fair market value of each Parcel and concluded that the fair market value of the First Parcel is $56,000, the fair market value of the Second Parcel is $43,500, and the fair market value of the Third Parcel is $28,000. In a letter dated November 13, 1991, the Appraisers represent that the fair market values for the First and Second Parcels include the mobile homes and other attached improvements. The Appraisers further conclude that the primary reason the Property failed to substantially appreciate in value since the initial acquisition is because in the last three years the real estate market in Pasco County, Florida has experienced limited sales and little, if any, appreciation. The Appraisers also concluded that the ownership by Mr. and Mrs. Ellison of a parcel adjacent to the First Parcel does not merit a premium above the fair market value of that Parcel.

5. The applicants represent that the aggregate transaction which involves approximately 43% of the Plan's total assets, is desirable as the sale will increase the liquidity of the Plan's portfolio and will enable the Trustees to distribute the cash to Plan participants upon the termination of the Plan, which the participants will then rollover into IRAs. The transaction is protective of the Plan because the individual and aggregate fair market value of the Parcels and the Property has been determined by independent qualified Appraisers. The transaction is in the best interest of the Plan because the Plan will be receiving the greater of: (1) The fair market value of the Property as established at the time of the sale by an independent qualified appraiser; or (2) the initial acquisition costs for the Property plus the Aggregate Holding Costs incurred by the Plan since the initial acquisition of the Property. The applicants further note that the Plan will sustain economic hardship if the transaction is denied because this will preclude an expedition of the termination of the Plan and subsequent distribution of the Plan's assets to participants. Furthermore, if the Property is to be sold to an unrelated entity, the Plan will incur trustees' fees, professional and administrative fees until the Property is sold, as well as a brokerage commission when such a sale is consummated.

6. In summary, the applicants represent that the transaction satisfies the statutory criteria of section 4975(c)(2) of the Code because:

(a) The sale will be a one-time cash transaction and the Plan will pay no expenses or commissions with respect to the sale;

(b) As a result of the sale, the Plan will be able to receive the greater of: (1) The fair market value of the Property as determined at the time of the sale by an independent qualified appraiser; or (2) the initial acquisition costs for the Property plus the Aggregate Holding Costs incurred by the Plan since the initial acquisition of the Property;

(c) The current fair market value of the Property has been determined by independent qualified Appraisers; and

(d) The sale will enable the Plan to divest of the Property and upon termination to make timely cash distributions to the Plan participants.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Citizens Federal Bank, F.S.B. (Citizens) Located in Dayton, Ohio

[Application No. D-8862]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the sale by Citizens of its holding company's common stock to the Simplified Employee Pension Plans (SEPs) and Keogh Plans (Keoghs) for which Citizens serves as custodian, as part of an initial issue of such stock; and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the sale by Citizens of its holding company's common stock to the individual retirement accounts (IRAs) [10] for which Citizens serves as custodian, as part of an initial issue of such stock, provided the SEPs, Keoghs and IRAs pay no more than the fair market value of the stock on the date of the sale. The proposed exemption is also subject to the following conditions: (1) The decision to purchase the stock of the holding company will be made by IRA, SEP and Keogh customers as part of a range of investment choices, and Citizens has no discretion over such decision; (2) no fees or commissions will be paid by the purchasers with respect to the transaction; (3) no more than 25 percent of the assets of any IRA, Keogh or SEP will be invested in the stock in connection with the initial offering; and (4) the purchase price of the stock will be determined by independent appraisal, and must be approved by the Office of Thrift Supervision (the OTS).

Summary of Facts and Representations

1. Citizens is a federally chartered mutual savings bank headquartered in Dayton, Ohio. Citizens is in the process of converting (the Conversion) from a mutual savings bank to a stock corporation. In connection with the Conversion, all of Citizens' common stock that will be outstanding will be issued to Citfed Bancorp, Inc. (the Holding Company).

2. Pursuant to the plan of conversion, non-transferable rights to subscribe for the common stock of the Holding Company (Subscription Rights) will be given to Citizens' depositors as of June 30, 1990 (Eligible Account Holders), to Citizens' depositors as of September 30, 1991, and to its employees, officers and directors. All depositors Citizens may purchase common stock of the Holding

[9] Because the Aggregate Holding Costs combined with the aggregate initial acquisition cost to the Plan ($7,167.49+$125,900=$133,067.49) are greater than the current aggregate fair market value of the Property, which is $127,500, the Plan in this transaction will receive the greater of: (1) The fair market value of the Property as determined at the time of the sale by an independent qualified appraiser; or (2) the initial acquisition costs for the Property plus the Aggregate Holding Costs incurred by the Plan since the initial acquisition of the Property.

[10] Pursuant to 29 CFR 2510.3-2(d), there is no jurisdiction with respect to the IRAs under Title I of the Act. However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

Company up to the amount of the cash in their accounts. Concurrently, and subject to the prior rights of these above-described holders of Subscription Rights, the Holding Company will offer its common stock for sale in a community offering to members of the general public (the Community Offering), with a preference to natural persons residing in the counties in which Citizens has an office. All shares not subscribed for in the Subscription and Community Offering are expected to be sold to the general public in an underwritten public offering (Public Offering) on a national basis. All shares sold in the Subscription and Community Offering and the Public Offering will be sold at the same price per share.

3. The total number of shares to be issued in the Conversion and the price per share will be based upon an appraised valuation of the market value of the Holding Company and Citizens as converted. Kaplan Associates, Inc. (Kaplan), an independent appraiser in Washington, DC, has appraised the value of the Holding Company and Citizens as converted to be within the range of $29,750,000 to $40,250,000 (the Estimated Value Range) as of August 19, 1991. Kaplan represents that it has no ownership interest in Citizens or the Holding Company. Kaplan further represents that it is experienced in the valuation and appraisal of business entities, including thrift institutions involved in the process of the conversion from mutual to stock form of ownership. Kaplan has performed over 200 such conversion appraisals. Based on the Estimated Value Range, the Holding Company is offering 3,500,000 shares at a maximum subscription price of $11.50 per share. Depending upon the market and financial conditions at the time of the Public Offering, the total number of shares to be issued in the Conversion may be increased or decreased from the 3,500,000 shares offered thereby, and the price per share decreased, provided: (1) The product of the total number of shares multiplied by the price per share remains within, or does not exceed by more than 15 percent, the current Estimated Value Range; and (2) the price per share is not less than $8.50.

4. The Holding Company is prohibited by regulations of the OTS from selling or offering to sell its common stock unless it gives to each Eligible Account Holder Subscription Rights to acquire the Holding Company stock pursuant to the subscription offering. IRA, Keogh and SEP funds held, as of June 30, 1990, in time deposits by Citizens as custodian, are Eligible Account Holders requiring that the holders of these accounts receive Subscription Rights to purchase Holding Company stock.

5. Citizens currently acts as custodian for approximately 13,802 IRA customers, 771 participants in custodial Keogh plan accounts and 118 participants in the custodial SEP accounts with assets, in the aggregate, of approximately $240 million. These assets represent approximately 14 percent of the total deposits held by Citizens. Citizens, as custodian, has no discretionary authority with respect to the investment of IRA, SEP or Keogh assets. All investments are made at the direction of the account holder within the range of investment choices permitted by the plan documents. The applicants represent that no single SEP, IRA or Keogh account will be permitted to invest more than 25 percent of the assets of such account in stock of the Holding Company in connection with this initial offering.

6. In accordance with the provisions of the conversion regulations of the OTS, Citizens must submit to the OTS a plan outlining the terms of the subscription offering. Citizens will be required to mail to each Eligible Account Holder, including holders of IRAs, SEPs and Keoghs, a notice that the Board of Directors has approved the sale of a certain number of shares of common stock, a description of the rights of such depositors to subscribe for such stock and various other information concerning rights of stockholders. Pursuant to the terms of the proposed transaction, the IRA, SEP and Keogh customers would notify Citizens within that subscription period of their direction to invest the assets of their SEP, IRA and Keogh accounts in Holding Company stock. No commissions will be paid with respect to the purchase.

7. As part of the Conversion plan submitted to the OTS, Citizens will include the appraisal prepared by Kaplan of the fair market value of the Holding Company and the common stock to be issued. The valuation was based on financial information relating to Citizens and the economic environment in which it operates, a comparison of Citizens with selected publicly held thrift institutions and with other thrift institutions located in Ohio, and other factors that Kaplan deemed to be appropriate. The valuation was stated in terms of a per share subscription price range, the maximum of which was no more than 15 percent above the midpoint of such price range, and the minimum of which was no more than 15 percent below such midpoint (See Rep 3, above).

8. If all shares of Holding Company stock are sold through the exercise of Subscription Rights and through the Community Offering, Kaplan will re-examine its estimate of the market value of the Holding Company and of shares of Holding Company stock as of the last day of the Subscription Offering and the Community Offering (the Final Estimate). It at that time Kaplan's Final Estimate of the value of Holding Company common stock is less than the subscription price (but not less than the minimum of the Estimated Value Range), then the Final Estimate value will become the final purchase price for Holding Company stock and the Holding Company will refund to all purchasers the difference between the subscription price and the independent appraiser's Final Estimate of value of Holding Company stock. If, however, Kaplan's Final Estimate of the value of Holding Company stock exceeds the subscription price, then, with the approval of the OTS, Citizens will either terminate the subscription plan, establish a higher subscription price range or increase the total number of shares of the Holding Company so that the market value per share will be within the subscription price range. If Kaplan's Final Estimate of the value of Holding Company stock is less than the minimum of the Estimated Value Range, then, with the approval of the OTS, Citizens will either terminate the subscription plan, establish a lower subscription price range, or decrease the total number of shares of the Holding Company so that the market value per share will be within the subscription price range.

9. If all the shares of Holding Company stock to be sold are not sold through the exercise of Subscription Rights or through the Community Offering, the remaining shares will be sold to the public after approval of a public offering circular by the OTS. The shares not previously subscribed for will then be sold to or through the underwriters of the Public Offering pursuant to the terms of an underwriting agreement. In the event the sale price of Holding Company stock pursuant to the Public Offering is less than the subscription price, the difference will be refunded to those who paid the higher price. Prior to the closing of the Public Offering, Kaplan will reconfirm its appraisal.

10. The applicants represent that the entire process is designed to ensure that the price paid for Holding Company stock is its fair market value. In any event, the determination as to the price

to be paid for Holding Company stock will be subject to approval by the OTS. All investors in Holding Company stock, including the IRAs, Keoghs and SEPs, will pay the same price for the stock.

11. In summary, the applicants represent that the proposed transaction meets the criteria of section 408(a) of the Act and section 4975(c)(2) of the Code because: (1) The decision to purchase the Holding Company stock will be made by IRA, SEP and Keogh customers as part of a range of investment choices, and Citizens has no discretion over such decision; (2) no fees or commissions will be paid by the purchasers with respect to the transaction; (3) no more than 25 percent of the assets of any IRA, SEP or Keogh account will be invested in Holding Company stock in connection with the initial offering; and (4) the purchase price of the stock will be determined by independent appraisal, and must be approved by the OTS.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Surgical Group, P.S.C. Profit Sharing Plan and Retirement Plan Located in Paducah, KY 42001

[Application No. D-8665]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed purchase of Paducah Bankshares Inc. common stock (the Stock) by the individually directed accounts (the Accounts) of Dr. Wally O. Montgomery in the Surgical Group, P.S.C. Profit Sharing Plan and in the Surgical Group, P.S.C. Retirement Plan (the Plans) from Dr. Wally O. Montgomery and his wife Geraldine, joint owners of the Stock and parties in interest with respect to the Plans, provided that: (a) The purchase of the Stock will be a one-time transaction for cash; (b) the Accounts will purchase the Stock at a price no greater than the fair market value of the Stock; (c) the Accounts will not pay any expense in connection with the proposed transaction; and (d) Dr. Montgomery will be the only participant affected by the transaction.

Summary of Facts and Representations

1. Each Plan has approximately 38 participants, including Dr. Montgomery who is a 20 percent owner of the corporation maintaining the Plan. Each of the Plans permits each participant to control the investment of his Account under the Plan. The applicant represents that as of December 31, 1989, Dr. Montgomery's balances in the Accounts were $565,143.06 and $430,428.45 in the profit sharing plan and the retirement plan, respectively.

2. Paducah Bank and Trust Company, the issuer of the Stock, is a state bank regulated by the Federal Reserve, the FDIC and the Department of Financial Institutions for the State of Kentucky. The applicant states that there were 184,504 shares of the Stock outstanding as of October 30, 1991. The applicant represents that there are no restrictions on the sale or transfer of the Stock. The Stock is not traded on an exchange or over the counter, however, the Stock is generally traded in private transactions among the current stockholders.

3. Dr. Montgomery and his wife Geraldine propose to sell, to the Accounts, an amount of shares whose total fair market value will not exceed 25 per cent of the balance of each of the Accounts on the date of the Stock purchase. The purchase will be a one time transaction for cash. In addition, the Plans will not incur any expenses in connection with the pruchase of the Stock by the Accounts. The applicant states that any expenses relating to the proposed transaction will be paid by Dr. Montgomery. The applicant wishes to sell the Stock to the Accounts because the Stock has historically had steady capital appreciation and is expected to continue to do so.

4. The applicant has submitted a valuation of the Stock by Professional Bank Services, Inc. (PBS), an investment banking and financial consulting firm, that concluded that the fair market value of the Stock was $35.00 per share, as of September 18, 1991. PBS represents that it derived less than 1 percent of its income from Dr. Montgomery during the past year.

5. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) The purchase of the Stock will be a one-time transaction for cash; (b) the Accounts will purchase the Stock at a price no greater than the fair market value of the Stock; (c) the Accounts will not pay any expense in connection with the proposed transaction; and (d) Dr. Montgomery will be the only participant affected by the transaction, has determined that the transaction is appropriate and in the best interests of the Plans and desires that the transaction be consummated.

Notice to Interested Persons: Since the only assets of the Plans involved in the proposed transaction are those in Dr. Montgomery's Accounts and since he is the only participant affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and hearing requests on the proposed exemption are due 30 days after the date of publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. Eric Berger of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 2nd day of January, 1992.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 92-365 Filed 1-7-92; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 10 CFR part 73—Physical Fitness Programs and Day Firing Qualifications for Security Personnel at Category 1 Licensee Fuel Cycle Facilities.

3. *The form number if applicable:* Not applicable.

4. *How often is the collection required:* Revisions to the Fixed Site Physical Protection Plan are required once upon rule implementation. Recordkeeping requirements associated with physical fitness performance testing and day firing qualifications are required once each year for each security force member.

5. *Who will be required or asked to report:* Applicants for license or licensees authorized to possess formula quantities of strategic special nuclear material.

6. *An estimate of the number of responses:* 2.

7. *An estimate of the number of hours annually needed to complete the requirement or request:* 96 (Annualized over three years).

8. *An indication of whether Section 3504(h), Public Law 96-511 applies:* Applicable.

9. *Abstract:* The proposed rule contains requirements which would require an applicant for license or a licensee authorized to possess formula quantities of strategic special nuclear material to institute annual physical fitness performance testing and to qualify security force personnel for day firing of assigned weapons according to a specific day firing course.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150-0002), NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 24th day of December, 1991.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior, Official for Information Resources Management.

[FR Doc. 92-360 Filed 1-7-92; 8:45 am]

BILLING CODE 7590-01-M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from December 16, 1991 through December 26, 1991. The last biweekly notice was published on December 26, 1991 (56 FR 66912).

Notice Of Consideration Of Issuance Of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 7, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should

consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director):** petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: December 6, 1991

Description of amendment request: The proposed amendment would revise Section 3/4.9, Auxiliary Electrical System, to incorporate a surveillance for the inverters associated with the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) Systems.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change does not involve a significant increase in the probability or

consequences of an accident previously evaluated. The proposed change adds a surveillance to Technical Specifications concerning the electrical inverters associated with the HPCI and RCIC systems. These inverters provide power to the flow control mechanisms of these systems. Loss of the RCIC inverter results in a minimum flow condition. Loss of the HPCI inverter results in HPCI going to zero flow. The inverters have an automatic reset. After the inverters reset, RCIC flow returns to normal and HPCI restarts. The operation of PNPS in accordance with the proposed surveillance will not alter the function or configuration of the subject inverters or the HPCI and RCIC Systems. The surveillance will be performed during the verification of operability of the auxiliary electrical system and will not be performed during power operation. Hence, this new surveillance will be performed when the HPCI and RCIC systems are not required and it will not involve an increase in the probability or consequences of an accident previously evaluated.

(2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not change the configuration or function of PNPS and involves surveillance activities to be performed when the associated systems are not required. Therefore, operating PNPS in accordance with the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change does not involve a significant reduction in a margin of safety. The proposed change adds a surveillance intended to ensure the operability of existing equipment (i.e., the inverters associated with the HPCI and RCIC Systems). The proposed change does not modify the configuration, function, or setpoint of the inverters or the associated systems. Hence, operating PNPS in accordance with the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esquire, Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199, attorney for the licensee.

NRC Project Director: Walter R. Butler

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: November 7, 1991

Description of amendment request: The amendment would revise Technical Specifications (TSs) 3.5.2.4 (Quadrant Power Tilt), 3.5.2.5 (Control Rod Positions), and 3.5.2.6 (Reactor Power Imbalance), by replacing the values of cycle-specific parameter limits with a reference to the Core Operating Limits Report (COLR), which contains the values of those limits. In addition, the COLR would be included in the Definitions Section of the TSs (Section 1.11) as the unit-specific document that provides these limits for the current operating reload cycle. The definition would note that the values of these cycle-specific parameter limits are to be determined in accordance with TS 6.12.3. This specification would require that the COLR be determined for each reload cycle in accordance with the referenced NRC-approved methodology for these limits and consistent with the applicable limits of the safety analysis. Finally, this report and any mid-cycle revisions would be provided to the NRC upon issuance. NRC Generic Letter (GL) 88-16, dated October 4, 1988, provided guidance to licensees on requests for removal of the values of cycle-specific parameter limits from TS. The licensee's proposed amendment is in response to this GL.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1 - Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The removal of cycle dependent variables from Technical Specifications and placing them into a COLR has no impact on plant operation or safety. The Technical Specifications will continue to require operation within the core operational limits for each cycle reload calculated by the approved reload design methodologies. The values or setpoints placed in the COLR are addressed in the Reload Report. The reload report presents the results of an evaluation of accidents addressed in the ANO-1 SAR [Safety Analysis Report]. The evaluation demonstrates that changes in the fuel cycle design and the corresponding COLR do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated.

The removal of cycle specific variables would not create the possibility of a new or different kind of accident from any previously analyzed. The cycle specific variables will continue to be calculated using NRC approved methods. This change consists of relocating the cycle specific variables from the Technical Specifications to the COLR. Technical Specifications will continue to require operation within the required core operating limits and appropriate actions will be taken if the limits are exceeded. The Technical Specification changes result in no significant changes to the operation of the unit.

Criterion 3 - Does Not Involve a Significant Reduction in a Margin of Safety.

The proposed changes do not involve a significant reduction in a margin of safety since these changes only involve transferring data from one document to another. The limits or setpoints themselves will not change until the next fuel cycle. These values are originally provided in the Reload Report for a particular cycle. The development of limits for future reloads will continue to conform to methods described in NRC approved documentation. Each future reload will involve a 10CFR50.59 safety review to assure that operation of the unit within the cycle specific limits will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: February 20, 1991, as supplemented October 11, 1991.

Description of amendment request: The proposed amendment would revise Tables 3.3-6 and 4.3-3 of the Arkansas Nuclear One Unit 2 Technical Specifications (TS) to require the process monitors for gaseous activity for purge and exhaust isolation be operable when the monitors are actually in use rather than during all modes. The proposed amendment also would require that the purge system be secured during fuel movement and containment purge operations and provide actions for continuous ventilation with an inoperable monitor. Additionally, the proposed amendment would replace asterisks in the tables with note numbers and revises the Bases for this TS.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1 - Does Not Involve a Significant Increase in the Probability or consequences of an Accident Previously Evaluated.

Changing the requirement for system OPERABILITY to limit the requirement to only those plant conditions when the system actually has the potential for creating a release path does not involve an increase in the probability or consequences of an accident previously evaluated. The radiation levels are continually measured in the areas served by the individual channels and both the alarm and automatic action are initiated when the radiation level trip setpoint is exceeded. This change is effectively administrative in nature as the requirement for the OPERABILITY of the system which this instrumentation serves is required only during purging and core alterations and the purge valves are key locked closed during Modes 1, 2, 3, and 4.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

This instrumentation is not involved in the creation of an accident, only in the mitigation of a previously assumed accident and would be OPERABLE for this function. Therefore this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety.

As this proposed change still requires the radiation monitoring system to be in use and capable of performing its function when the actual potential for a release exits (during Purging operations or when ventilating during core alterations) the margin of safety will not be reduced.

Based on the above evaluation it is concluded that the proposed Technical Specification change does not constitute a significant hazards concern.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: October 11, 1991, as supplemented by letter dated December 18, 1991

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to change the test frequency of the Engineered Safety Features Actuation System (ESFAS) initiation relays to once a quarter. The request to change the frequency of the subgroup relays and related footnotes will be handled by a separate amendment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Combustion Engineering analyses show that a reduction in test frequency of these relays is expected to decrease the frequency of spurious actuations of emergency safety features equipment. While there may be a small increase in unavailability due to relays failing during the longer surveillance interval, it is believed to be negligible due to the high reliability of these relays. Furthermore, this will be offset by a larger decrease in the inadvertent actuation of equipment during testing. As such, the overall result will be a reduction in the probability of plant transients. ... Therefore, the operation of Waterford 3 in accordance with these changes will not increase the probability of any accident previously evaluated.

The proposed changes do not involve an increase in the consequences of an accident previously evaluated as the accident analysis assumes the most limiting single failure. The limiting single failure assumed bounds the failure of these relays. Whatever the failure mode of the particular type of relay used, the consequences are acceptable. Therefore, the operation of Waterford 3 in accordance with this change will not involve a significant increase in the probability or consequence of any accident previously evaluated.

Failure modes for the initiation ... relays remain unchanged by extended test frequencies.... Potential consequences of failure of one of these relays, regardless of type, are already considered in the accident analyses. Other than extension of test intervals ..., there is no change to plant procedures or operation that could lead to a new event. Failure of a single relay may result in certain ESFAS equipment failing to actuate, but due to the plant configuration, this will not affect more than one train. As such, operation of Waterford 3 in accordance with this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will not affect the performance of the safety function for the actuated equipment. Integrity of the fission product barriers is maintained by the action of the actuated equipment. Since there is no increase in the consequences of the events against which this equipment protects, there is no change in the margin of safety. There are redundant trains of all engineered safety features equipment, and thus redundant trains of all ... relays. Therefore, the single failure of any ... relay will not prevent the performance of the design safety function. The failure of two trains of redundant relays actuating the same equipment is not considered credible. Therefore, the operation of Waterford 3 in accordance with this change will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: N.S. Reynods, Esq., Winston & Strawn 1400 L Street N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: February 12, 1990

Description of amendment requests: The proposed amendments to the St. Lucie Units 1 and 2 Technical Specifications would revise the requirement to determine control element assembly (CEA) operability at least once per 31 days to once per 92 days. Additionally, it is proposed that the surveillance interval for the performance of the functional test of the CEA block circuit, which is performed as part of the CEA operability test, be performed on a quarterly basis, rather than on the current monthly basis.

This request was originally noticed in the **Federal Register** on April 4, 1990 (55 FR 12393). It was subsequently denied by NRC letter dated January 24, 1991, and the denial was noticed in the **Federal Register** on February 6, 1991 (56 FR 3846). By letter dated November 22, 1991, the licensee requested that the NRC reconsider the denial.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91 (a), the licensee has provided analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

Operation of the facility in accordance with the proposed amendment[s] would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The intent of the [c]ontrol [e]lement [a]ssembly (CEA) movement testing surveillance is the detection of CEAs which

are stuck fully out of the core, and to demonstrate that the CEA can move freely within a small range of movement. The current Combustion Engineering Standard Technical Specification and the St. Lucie Technical Specification 31 day surveillance interval frequency was based on engineering judgement. Operating experience has demonstrated that this surveillance is not a principal method for detecting stuck CEAs. For example, startup testing, which includes CEA drop testing and CEA worth testing, [has] detected a number of stuck CEAs. Additionally, in a few instances, stuck CEAs have been identified following a trip, and have generally occurred in the last foot of travel. The St. Lucie Units 1 and 2 Updated Final Safety Analysis Report (UFSAR) Chapter 15 Accident Analyses assume the most reactive CEA is stuck in the fully withdrawn position on a reactor trip; therefore, [these] amendment[s] [do] not involve a significant increase in the consequences of accidents previously analyzed. As discussed above, other more effective means of detecting stuck CEAs in normal use make operation with an undetected stuck CEA improbable. Therefore, [these] amendment[s] [do] not involve a significant increase in the probability of accidents previously analyzed.

Increasing the surveillance test interval of the CEA movement test will decrease the probability of dropping a CEA. Dropped CEAs cause unnecessary flux perturbations in the core, and can result in a reactor trip.

The block circuit test frequency was originally established to be the same as the CEA movement test. The individual CEA block circuit surveillance is not directly connected with any analyzed event, but rather serves as backup to other surveillances and operator action. The CEA group block circuit surveillance applies during initial CEA withdrawal during reactor startup, and is bounded by the CEA [m]isoperation event previously analyzed.

Criterion 2

Operation of the facility in accordance with the proposed amendment[s] [would] not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new accident initiators are created by the extended test intervals. A single CEA stuck in the fully withdrawn position and CEA misoperation events have been previously analyzed in the St. Lucie Units 1 and 2 USFAR Chapter 15 Accident Analyses. Additionally, the change does not result in any physical change to the plant or method of operating the plant from that allowed by the [T]echnical [S]pecifications.

Criterion 3

Operation of the facility in accordance with the proposed amendment[s] [would] not involve a significant reduction in a margin of safety.

The St. Lucie Units 1 and 2 UFSAR Chapter 15 accident analyses assume the most reactive control element assembly is stuck in the fully withdrawn position on a reactor trip; therefore, this proposed change does not alter the margin of safety with respect to limiting positive reactivity additions during a postulated [m]ain [s]team [l]ine [b]reak at [h]ot [z]ero [p]ower, [e]nd of [c]ycle. Additionally, [s]hutdown [m]argin requirements per the St. Lucie Units 1 and 2 Technical Specifications assume the hypothetical worst case stuck CEA.

The Technical Specification Action Statements applicable to misaligned or inoperable CEAs include requirements to align the [o]perable CEAs in a given group with an inoperable CEA. Conformance with these alignment requirements brings the core, within a short period of time, to a configuration consistent with that assumed in establishing Limiting Conditions for Operation (LCO) limits and Limiting Safety System Settings (LSSS) setpoints.

Even should a CEA misalignment or CEA block circuit failure occur during the proposed 92 day surveillance frequency for testing, other independent means of detecting misaligned CEAs exist, enabling control room operators to implement the Technical Specification ACTIONS as required.

Based on the above, we have determined that the amendment request does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety, and therefore does not involve a significant hazards consideration.

The staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment request involves no significant hazards consideration.

Local Public Document Room Location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of amendment request: May 13, 1991, as supplemented August 30, 1991, and September 27, 1991.

Description of amendment request: The proposed amendment would revise the reactor vessel pressure/temperature (P/T) limits specified in Technical Specifications 3.2.2/4.2.2 and the withdrawal schedule of reactor vessel material surveillance capsules specified in TS 4.2.2.b. The revised P/T limits would be valid for operation of Nine Mile Point Unit 1 through 18 effective full power years (EFPY). The revised limits would satisfy NRC Generic Letter 88-11 since the revised limits were calculated using the method in NRC Regulatory Guide 1.99, Revision 2. The reactor vessel material surveillance capsule withdrawal schedule would be revised to specify withdrawal of capsules in terms of EFPY rather than in terms of service life.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 1 in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment incorporates the results of testing of NMP1 reactor vessel material surveillance specimens which have been irradiated during station operation. Testing of the material surveillance specimens was performed in accordance with 10 CFR [Part] 50 Appendix H.

Components of the reactor primary coolant system are operated so that no substantial pressure is imposed unless the reactor vessel materials are above nil-ductility transition temperature. The nil-ductility transition temperature increases as a function of the neutron exposure. The proposed amendment incorporates (1) the results of testing of irradiated NMP1 reactor vessel material, (2) calculation of stress intensity factors according to Appendix G of Section III of the ASME [American Society of Mechanical Engineers] Boiler and Pressure Code 1980 Edition with Winter 1982 Addenda, and (3) the Regulatory Guide 1.99, Revision 2 method for extrapolation of the ART_{NDT}.

Operation of NMP1 in accordance with the proposed pressure/temperature operating limits will preclude brittle failure of the reactor vessel material. Safety margins for brittle failure will be in accordance with those specified in 10 CFR [Part] 50 Appendix G and Appendix G of the ASME Code. The proposed changes to the withdrawal schedule for the reactor vessel material surveillance capsules are administrative changes. Therefore, the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 1 in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment incorporates pressure/temperature operating limits based on analysis of irradiated samples. No modification to the plant is required in order to implement the proposed amendment. Therefore, the proposed limits will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes to the withdrawal schedule for the reactor vessel material surveillance capsules are administrative in nature and will not create

the possibility of a new or different type of accident.

The operation of Nine Mile Point Unit 1 in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

Implementation of the proposed pressure/temperature operating limits will ensure station operations are conducted with the reactor vessel materials above the nil-ductility transition temperature. Operation in accordance with the proposed pressure/temperature operating limits and proposed surveillance program will preclude brittle failure of the reactor vessel material, since safety margins specified in 10 CFR [Part] 50 Appendix G and the ASME Code Appendix G will be maintained. The proposed changes to the reactor vessel material surveillance capsule withdrawal schedule are administrative and will not affect any margin of safety

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502.

NRC Project Director: Robert A. Capra

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York

Dates of amendment request: November 6, 1991, as supplemented December 5, 1991

Description of amendment request: The proposed amendment would revise Technical Specification 4.5.1.e.2(b) to increase the minimum reactor steam dome pressure for manual opening of the Automatic Depressurization System (ADS) valves during 18-month surveillance testing from 100 psig to 950 psig.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will not affect the operability or reliability of the ADS valves. In addition, the probability or consequences of a stuck open relief valve analyzed in USAR [Updated Safety Analysis Report] Section 15.1.4 or any other accident previously analyzed will not be increased. The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possiblilty of a new or different kind of accident from any previously evaluated.

No new operational modes will result from the proposed change. The valves have been routinely tested at the proposed minimum pressure in the past with no adverse effects. The safety function of the ADS valves will be unaffected such that the proposed change will not create the possibility of a new or different accident from any previously analyzed.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety

Testing at 950 psig enhances safety by assuring that the ADS valves can operate under normal operating conditions and also by preventing damage to the ADS valve seats. Only three ADS valves are required to function for all analyzed events. In the extremely unlikely event that five ADS valves are inoperable before steam dome pressure reaches safe testing pressure (950 psig), redundant safety systems exist to prevent the reduction in safety for this brief period. Moreover, the suppression pool heatup and loading from the valve opening at this pressure has been previously shown to be acceptable in USAR Appendix 6A. Therefore, the proposed change will not involve a significant reduction in the margin of safety

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502.

NRC Project Director: Robert A. Capra

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: October 9, 1991 as supplemented November 26, 1991.

Description of amendment request: The proposed amendment would revise the Index and the Technical Specifications Sections 3.1.3.6, 3.9.18, 3.9.20, and the Bases Sections 3/4.9.17, 3/4.9.18, 3/4.9.19 and 3/4.9.20 to correct various editorial and typographical errors. Also the bases for the Thermal Margin/Low Pressure trip limiting safety system setting (Basis page B 2-7) is proposed to be revised to account for reevaluation of the pressurizer pressure instrument uncertainty.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed technical specification change has been reviewed against the criteria of 10CFR50.92 and it has been determined not to involve a significant hazards consideration. Specifically, the proposed changes do not:

1. Involve a significant increase in the probability or consequences of any accident previously analyzed. These changes are proposed to only correct typographical errors and are not intended to change the intent of the subject matter. This does not affect or have any potential impact upon any of the design basis types of accidents previously analyzed. There are no failure modes affected by the changes. As such, there are no design basis accidents affected by the changes.

2. Create the possibility of a new or different kind of accident from any previously analyzed. There are no failure modes associated with this proposed Technical Specification change. Therefore, there are no failure modes which can represent a new unanalyzed accident.

3. Involve a reduction in the margin of safety There is no impact on the performance of any safety system. There is no increase in the consequences of any accident and, as such, there is no reduction in the margin of safety

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: December 11, 1991

Description of amendment request: The licensee has proposed to revise the Technical Specifications to make certain

administrative changes. These changes are: (1) a revision of the curve for shutdown margin with three loop operation to correct a drafting inaccuracy, (2) correction to be consistent with an earlier change, (3) deletion of an obsolete reference, (4) a wording clarification.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The proposed changes to Figure 3.1-2, Table 3.3-4, and Section 3/4.6.3 are intended to clarify the Technical Specifications and ensure consistency The changes do not increase ... the probability or consequences of an accident previously analyzed.

The proposed changes to Section 3/4.7.7 simply provide clarification and increased understanding of the existing Technical Specifications, and therefore do not increase the probability or consequences of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes to Figure 3.1-2, Table 3.3-4, and Section 3/4.6.3 are to parameters included in existing design basis accidents. All affected systems will continue to function as designed.

The proposed changes do not affect any plant operations, and the potential for an unanalyzed accident is not created, and no new failure modes are introduced.

The proposed changes to Section 3/4.7.7 provide clarification and ensure understanding of existing Technical Specification requirements. No physical modifications to equipment or equipment operation have been made. All other surveillance requirements and bases remain unchanged.

3. Involve a significant reduction in the margin of safety

Since all design basis accidents are unaffected by these changes, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 27, 1991.

Description of amendment request: The proposed amendment to the Technical Specification would remove the cycle-specific operating limits and institute the Core Operating Limits Report, in accordance with Generic Letter 88-16.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes to the Technical Specifications for the removal of cycle-specific operating limits does not involve a significant hazards considerations because the operation of the Fort Calhoun Station in accordance with this change would not:

1. Involve a significant increase in the probability or the consequences of an accident previously evaluated.

The institution of a cycle-specific operating limits report, consistent with the NRC recommendations of Generic Letter 88-16, will not modify the methodology used in generating the limits nor the manner in which they are implemented. These limits will continue to be determined by analyzing the same postulated events as previously analyzed. The plant will continue to operate within the limits specified in the Core Operating Limits Report and will take the same corrective actions when or if these limits are exceeded as required by current Technical Specifications. Therefore, this amendment incorporating the Core Operating Limits Report is administrative in nature and has been concluded not to increase the probability or consequences of an accident previously evaluated.

2. Create the possibility for an accident or malfunction of a different type than any previously evaluated.

There are no physical alterations to the plant configuration, changes to setpoint values, or changes to the implementation of setpoints and limits associated with this proposed amendment. No new or different kind of accident is created by this adminstrative change because the actual operation of the plant remains unchanged. Therefore, the possibility of an accident or malfunction of a different type than any previously evaluated in the safety analysis report would not be created.

3. Involve a significant reduction in the margin of Safety

As indicated above the implementation of the proposed Core Operating Limits Report, consistent with the guidance of Generic Letter 88-16, makes use of the existing safety analysis methodologies and the resulting limits and setpoints for plant operation. Additionally, the safety analysis acceptance criteria for operations with this proposed change has not changed from that used in the current reload analysis. Therefore, the margin of safety as defined in the basis for any Technical Specification is not reduced due to the implementation of the Core Operating Limits Report.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036

NRC Project Director: John T. Larkins

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 27, 1991.

Description of amendment request: The proposed amendment to the Technical Specifications would revise the negative limit for the Moderator Temperature Coefficient (MTC) of reactivity for the Cycle 14 Reload.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

This proposed amendment does not involve a significant hazards consideration because the operation of Fort Calhoun Station in accordance with this amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The safety analysis most impacted by a change to the negative MTC Technical Specification limit is the main steam line break event. The steam line break cooldown curves (for hot zero power and hot full power) for an MTC of -3.0×10^{-4} p/° F were calculated and found to be bounded by the USAR [Updated Safety Analysis Report] (Cycle 8) cooldown curves. Other transient analyses were reanalyzed and/or reevaluated with the more negative MTC and found to yield acceptable results in accordance with the acceptance criteria contained in OPPD's [Omaha Public Power Districts'] reload analysis methodology topical reports. Thus, this change does not increase the probabilty or consequences of a previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident

previously evaluated. It has been determined that a new or different type of accident is not created because no new or different modes of operation are proposed for the plant. The continued use of the same Technical Specification administrative controls prevents the possibility of a new or different kind of accident.

3. Involve a significant reduction in a margin of safety The revised negative MTC limit results in a steam line break cooldown curve which remains bounded by the USAR steam line break cooldown curve (Cycle 8). Therefore, this change does not reduce or alter the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036

NRC Project Director: John T. Larkins

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: December 19, 1991

Description of amendment request: The amendment proposes changes to the Technical Specifications (TS) Section 1.0, Definition of Surveillance Frequency. Specifically, the changes provide specific definition of each of the periodic surveillance intervals used in the TS. In addition, the changes revise the reference date from which subsequent surveillance tests are scheduled. Finally, the changes delete redundant and potentially confusing words concerning the definition of an "operating cycle".

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

i) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

One of the purposes of the proposed changes is to allow implementation of a new surveillance testing software system. Implementation of this software will be an overall enhancement to the surveillance testing program. One benefit is the ability to schedule surveillance tests on a daily basis and to better control STs performed on an event basis. Another purpose of the proposed changes is to provide surveillance interval definitions which are more conservative that those currently used. Attaining these two purposes could result in increased assurance of plant equipment reliability. This will not increase the probability of accidents previously evaluated. The proposed changes do not affect the consequences of accidents previously evaluated because they do not affect the initial conditions or precursors assumed in any Updated Final Safety Analysis Report Section 14 accident analyses. Further, these proposed changes to not decrease the effectiveness of equipment relied upon to mitigate the previously evaluated accidents.

ii) The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes do not alter the design or function of any equipment or introduce any new failure modes. Implementation of proposed changes does not involve any new plant configurations, testing methods or operating scenarios. Therefore, the proposed changes do not create the possibility of a new or different kind of accident.

iii) The proposed changes do not involve a significant reduction in a margin of safety

One of the proposed changes involves surveillance interval definitions which are more conservative than those currently in place. Another proposed change deletes a requirement to schedule subsequent surveillance tests based on the originally scheduled date. This requirement is similar to a requirement which the NRC, in Generic Letter 89-14, recommended that licensees remove from Technical Specifications because of a greater benefit to plant safety The remaining two changes are proposed for clarity and consistency, and do not adversely affect the surveillance testing program. Consequently, the proposed changes do not reduce any margin of safety

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Attorney for Licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: Charles L. Miller

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: December 12, 1991

Description of amendment request: The licensees propose to revise the Trojan Techincal Specification 6.0, "Administrative Controls." This change would incorporate planned organizational changes, modify the Plant Review Board composition, and correct several editorial errors within this section of the Trojan Technical Specifications. This amendment application was designated by the licensee as LCA 218.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

a. Organization Changes

The changes related to the reorganization are administrative in nature. The titles of the Shift Supervisor, Assistant Shift Supervisor, Radiation Protection Branch Manager, and Operations Branch Manager are being changed while the qualifications, responsibilities, and authorities of the positions remain the same as presently described in the Final Safety Analysis Report (FSAR).

These changes have no effect on accident probability or consequences as they are a change in nomenclature. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. PRB Composition

The change to PRB Composition is an administrative change to allow greater flexibility in establishing PRB membership while maintaining the necessary qualifications of the board to adequately advise the Plant General Manager on matters related to nuclear safety The composition requirements for the PRB will now be similar to those for the TNOB.

Since the qualification requirements will ensure the board has the necessary expertise to consider matters pertaining to nuclear safety and an appropriate spectrum of functional areas will be represented, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

c. Editorial Changes

The editorial changes are administrative in nature as they correct editorial errors or achieve consistency throughout the Technical Specifications. These changes do not affect how the Plant is operated or any accident analysis. Therefore, the proposed changes do not involve a significant increase in the

probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

a. Organization Changes

The changes related to the reorganization are administrative in nature. The titles of the Shift Supervisor, Assistant Shift Supervisor, Radiation Protection Branch Manager, and Operations Branch Manager are being changed while the qualifications, responsibilities, and authorities of the positions remain the same as presently described in the FSAR.

These changes do not affect Plant equipment or operations as they are a change in nomenclature. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

b. PRB Composition

The change to PRB Composition is an administrative change to allow greater flexibility in establishing PRB membership while maintaining the necessary qualifications of the board to adequately advise the Plant General Manager on matters related to nuclear safety The composition requirements for the PRB will now be similar to those for the TNOB.

Since the qualification requirements will ensure the board has the necessary expertise to consider matters pertaining to nuclear safety and an appropriate spectrum of functional areas will be represented, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

c. Editorial Changes

The editorial changes are administrative in nature as they correct editorial errors or achieve consistency throughout the Technical Specifications. The changes do not affect how the Plant is operated or any Plant equipment. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

a. Organization Changes

The changes related to the reorganization are administrative in nature. The titles of the Shift Supervisor, Assistant Shift Supervisor, Radiation Protection Branch Manager, and Operations Branch Manager are being changed while the qualifications responsibilities, and authorities of the positions remain the same as presently described in the FSAR.

These changes do not affect Plant equipment or operations as they are a change in nomenclature. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

b. PRB Composition

The change to PRB Composition is an administrative change to allow greater flexibility in establishing PRB membership while maintaining the necessary qualifications of the board to adequately advise the Plant General Manager on matters related to nuclear safety. The composition requirements for the PRB will now be similar to those for the TNOB.

Since the qualification requirements will ensure the board has the necessary expertise to consider matters pertaining to nuclear safety and an appropriate spectrum of functional areas will be represented, this change does not involve a significant reduction in a margin of safety.

c. Editorial Changes

The editorial changes are administrative in nature as they correct editorial errors or achieve consistency throughout the Technical Specifications. The changes do not [not] affect how the Plant is operated or any Plant equipment. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: Theodore R. Quay

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego, New York

Date of amendment request: December 19, 1991

Description of amendment request: This proposed amendment to the James A. FitzPatrick Technical Specifications (TS) requests a one-time extension to the fire barrier penetration surveillance interval. Technical Specification 4.12.F.1.a requires that fire barrier penetration seals be visually inspected once every 18 months. The licensee has requested a one-time extension of 3 months until May 15, 1992, to complete these fire barrier inspections.

On August 2, 1991, during a meeting with the NRC's staff, the licensee committed to complete a full baseline barrier seal inspection not later than 30 days after startup from the 1993 refuel outage. The licensee accelerated its baseline inspection schedule to run concurrently with the fire barrier penetration seal inspections required by TS 4.12.F.1.a. Each of these inspections takes longer because the baseline inspection requirements are more detailed than those previously employed at FitzPatrick. Because these inspections are more detailed and take longer to perform, the licensee has determined that a one-time extension is necessary to complete the surveillance requirements of TS 4.12.F.1.a.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed one time extension of the fire barrier penetration seal inspection interval involves no hardware modifications, changes to system operating procedures or affects the ability of any system to perform its intended function. The probability of a fire is not increased and the ability of plant personnel and fire protection equipment to detect and extinguish a fire is not affected. The proposed one time extension of the fire barrier penetration seal inspection interval will not introduce any additional combustible materials or ignition sources into the plant.

2. create the possibility of a new or different kind of accident from those previously evaluated.

The proposed one time extension of the fire barrier penetration seal inspection interval does not create the possibility of a new or different kind of accident or fire. Analyses have been performed based on the presence of a fire in each area or zone regardless of the actual fire hazard and combustible loading present. Fire protection features (including fire barriers and fire barrier penetration seals) have been installed throughout the plant to limit the spread of fires between zones and areas. Analyses have demonstrated that the plant can be safely shutdown and maintained in a shutdown condition assuming the loss of all equipment is [in] any single fire area or zone.

3. involve a significant reduction in the margin of safety.

The proposed one time extension of the fire barrier penetration seal inspection interval does not reduce the ability of the barriers to perform their intended function. The small amount of degradation the seals may undergo during this period is insignificant and will not significantly reduce their fire rating or their ability to prevent the spread of fire from one side of the barrier to the other. In addition, other fire protection features remain available to detect and suppress a fire. Fire watches will be posted for non-functional seals in accordance with Technical Specification requirements.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request

involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: November 19, 1991, as supplemented December 16, 1991.

Description of amendment request: The licensee requests an amendment to the Technical Specifications to revise Section 3.3.G (Hydrogen Recombiner and Containment Hydrogen Monitoring Systems), Section 4.5.A.3 (Hydrogen Recombiner and Containment Hydrogen Monitoring Systems), and Table 4.4-1 (Containment Isolation Valves). These sections would be revised to reflect a scheduled plant modification which will replace the existing containment hydrogen recombiners with new equipment. Specifically, the modification will replace the existing mechanical recombiners with electrical recombiners.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the requirements of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

No. The replacement of the flame-type recombiner with an electric hydrogen recombiner system does not result in a functional change (i.e., both the flame-type recombiner and the electric hydrogen recombiner system limit and reduce containment building post LOCA [loss of coolant accident] hydrogen concentration to safe levels). The EHRS [Electric Hydrogen Recombiner System] will satisfy the design criteria by maintaining the hydrogen concentration following a design basis accident to [less than or equal to] 3.0% by volume maximum hydrogen concentration within the containment precluding potential containment failure caused by an uncontrolled hydrogen burn. WCAP-7709-L Supplement 4 documents that the EHRS meets the requirements of Regulatory Guide 1.7 for the control of combustible gas concentrations in containment following a loss of coolant accident.

The EHRS modification will not introduce any new mechanisms which can result in radiological releases. Therefore, there is no mechanism involved with this modification which will result in an increase in the radiological releases currently presented in the (UFSAR) [Updated Final Safety Analysis Report].

This amendment simply specifies the operability and surveillance requirements of the EHRS and operation of IP3 in accordance with this proposed license amendment does not significantly increase the probability or consequences of an accident previously evaluated.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

No. The function provided by the EHRS is the same as the existing flame-type recombiner. Both systems limit and reduce containment building post LOCA hydrogen concentration to safe levels. The EHRS satisfies the design criterion by maintaining this concentration to [less than or equal to] 3.0% by volume maximum hydrogen within the containment, thereby precluding containment failure due to an uncontrolled hydrogen burn. The cable routing for the EHRS and the installation location of the recombiners, power supplies, and control panels will not adversely impact the safety related function provided by the EHRS or other systems. Operation of Indian Point 3 in accordance with the proposed license amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

No. The replacement of the flame-type hydrogen recombiner with the electric recombiner does require a change to the Technical Specifications. However, the use of the EHRS will not affect the margin of safety as defined in the bases of the Technical Specifications. Both the flame-type recombiner and the electric hydrogen recombiner systems limit and reduce containment building post LOCA hydrogen concentration to safe levels. Specifically, each can prevent post LOCA hydrogen concentration in containment from reaching the lower flammable limit that Regulatory Guide 1.7 defines as acceptable and adequately conservative. Operation of Indian Point 3 in accordance with the proposed license amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: December 19, 1991

Description of amendment request: The proposed Technical Specification (TS) changes would eliminate the operability requirements for the station records vault Halon fire suppression system. In addition, the operability requirements for the Halon fire suppression systems for the emergency switchgear rooms (ESGR) would be included in the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

[The proposed changes would not:]

1. Involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated. The station's record vault does not interface with [or] effect the operation of any plant system. The ESGR fire suppression system is required to be operable in accordance with the approved Appendix R Program. Elimination of the operability requirement for the station's record vault fire suppression system and establishing requirements for the existing ESGR fire suppression system does not change or effect the probability or consequences of any previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. The station's record vault and its fire suppression system do not interface with or effect the operation of any plant system. Specifying requirements for the ESGR fire suppression system merely adds appropriate requirements to the Technical Specifications for an existing system. Therefore, a new or different accident from those previously evaluated has not been created.

3. Involve a significant reduction in a margin of safety. Removing the operability requirements for the station's records vault and including the operability [requirements] for the ESGR fire suppression system [do] not effect any accident analysis assumption. Therefore, the margin of safety is not significantly reduced by the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this

review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Herbert N. Berkow

Previously Published Notices Of Consideration Of Issuance Of Amendments To Operating LIcenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: December 16, 1991

Description of amendment request: The proposed amendment would modify Technical Specification 6.9.1.9, Technical Report Supporting Cycle Operation, to add a reference that includes the analytical methods used to determine the core operating limits relative to Zircaloy fuel.

Date of publication of individual notice in **Federal Register:** December 26, 1991 (56 FR 66937)

Expiration date of individual notice: January 27, 1992

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown. Connecticut 06457.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: November 14, 1990, as supplemented June 6, June 14, and September 18, 1991.

Description of amendment request: The proposed amendment would increase the number of spent fuel assemblies which may be stored in the spent fuel pool (SFP) from 749 assemblies to 1494 assemblies through use of high density spent fuel storage racks whose design incorporates Boral as a neutron absorber. The changes would affect Technical Specification Sections 5.4.1.a and 5.4.2. and adds a Figure 5-4.

Date of publication of individual notice in **Federal Register:** December 26, 1991 (56 FR 66939)

Expiration date of individual notice: January 27, 1992

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: November 12, 1991

Description of amendment request: The proposed amendments would change the Technical Specifications to revise the minimum required reactor coolant loop system thermal design flow (TDF).

Date of publication of individual notice in **Federal Register:** December 2, 1991 (56 FR 61263)

Expiration date of individual notice: January 2, 1992

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Tennessee Valley Authority Docket No. 50-260, Browns Ferry Nuclear Plant Unit 2, Limestone County, Alabama

Date of amendment request: December 6, 1991, (TS 305)

Brief description of amendment request: The proposed amendment would revise the Limiting Conditions for Operation (LCO) of the Technical Specifications (TS) for the Containment Atmosphere Dilution (CAD) System. More specifically, the LCO requirements of TS 3.7.G and Table 3.2.F would be temporarily changed (i.e., until the next refueling outage) to allow for extended plant operation with only one of two CAD systems operable.

Date of publication of individual notice in the **Federal Register:** December 17, 1991 (56 FR 65515).

Expiration date of individual notice: January 16, 1992

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Notice of Issuance Of Amendment To Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon

request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: January 15, 1991, as supplemented May 17, 1991, and revised November 14, 1991

Brief description of amendment: The amendment revises numerous Technical Specifications (TS) in support of the realignment of some of Carolina Power & Light Company's (CP&L's) organizational structure. CP&L has created a Nuclear Assessment Department to assume the functions and responsibilities for (1) administering CP&L's independent review program for nuclear facilities that was provided by the Corporate Nuclear Safety Section, and (2) auditing of the unit activity formerly provided by the Quality Assurance Department.

Date of issuance: December 20, 1991

Effective date: December 20, 1991

Amendment No. 138

Facility Operating License No. DPR-23. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** March 6, 1991 (56 FR 9376) The May 17, 1991, letter submitted updated TS pages, but did not change the initial proposed no significant hazards consideration determination. The November 14, 1991, submittal withdrew the request to change the title of the Robinson Project Department Head from "Vice President - Robinson Nuclear Project to "Department Head - Robinson Nuclear Project." The existing title is now correct because of a promotion, and the request for this portion of the amendment request has been withdrawn. NRC staff did not review the withdrawn portion of the amendment request. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 20, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of application for amendment: October 8, 1991

Brief description of amendment: The amendment would reword Technical Specification (TS) Surveillance Requirement 4.1.1.6(b), "Minimum Temperature for Criticality," reword a footnote in TS Section 3.4.1.1, "Reactor Coolant Loops and Coolant Circulation," and replace the word "intermediate" with "wide" in the Bases Section 2.2, "Reactor Trip System Interlocks."

Date of Issuance: December 17, 1991

Effective date: December 17, 1991

Amendment No.: 146

Facility Operating License No. DPR-61. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57694) The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated December 17, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: November 20, 1991, as supplemented December 5, 1991

Brief description of amendments: The amendments revise Technical Specification Table 2.2-1 to compensate for potential nonconservitisms in the F-Delta I (axial flux differences) portion of the Overtemperature-Delta Temperature reactor trip function.

Date of issuance: December 17, 1991

Effective date: December 17, 1991

Amendment Nos.: 93, 87

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 29, 1991 (56 FR 61062) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 17, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duquesne Light Company, et. al., Docket No. 50-412, Beaver Valley Power Station, Unit No. 2, Shippingport, Pennsylvania

Date of application for amendment: April 12, 1991

Brief description of amendment: The amendment will modify Technical Specification 3.3.3.8 by deleting a nonapplicable (first fuel cycle only) Action statement and reannotating the last two Action statements. It will also modify Table 3.3-11 by deleting a nonapplicable (first fuel cycle only) note.

Date of issuance: December 13, 1991

Effective date: December 13, 1991

Amendment No. 41

Facility Operating License No. NPF-73. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 21, 1991 (56 FR 41580) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 13, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: June 18, 1991

Brief description of amendment: The amendment revised the Arkansas Nuclear One, Unit No. 2 Technical Specifications to provide for conserving starting air for emergency diesel generators in case an engine fails to start on a safety injection actuation signal.

Date of issuance: December 17, 1991.

Effective date: The next refueling outage, currently scheduled for August 1992, in which the applicable design change for this license amendment will be implemented.

Amendment No.: 127

Facility Operating License No. NPF-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 7, 1991 (56 FR 37581) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 17, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Date of amendment request: May 22, 1990, as revised September 5, 1991.

Brief description of amendments: The amendment revised the Arkansas Nuclear One, Units 1 and 2 (ANO-1&2) Industrial Security Plan due to the security perimeter improvement project

at ANO. The amendment deletes a specific area from the current physical security plan.

Date of issuance: December 18, 1991

Effective date: December 18, 1991

Amendment Nos.: 155 and 128

Facility Operating License Nos. DPR-51 and NPF-6. Amendments revised the licenses.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51924) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 18, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: May 10, 1991

Brief description of amendment: The amendment changed the Technical Specifications (TS) and Bases for the containment purge system by replacing the cumulative time limitation on the system operation with safety-related criteria. Alternative means are allowed for isolating a penetration when isolation valves in the system are inoperable.

Date of issuance: December 17, 1991

Effective date: December 17, 1991

Amendment No: 84

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications and license.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57695) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 17, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: August 15, 1991

Brief description of amendment: The amendment removed requirements for the Balance of Plant Load Shedding feature of the Load Shed and Sequencing System contained in Technical Specification Tables 3.3.3-1. 3.3.3-2, and 4.3.3-1.

Date of issuance: December 18, 1991

Effective date: December 18, 1991

Amendment No: 85

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** September 18, 1991 (56 FR 47237) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 18, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: September 11, 1991

Brief description of amendment: The amendment changed the surveillance requirement for the CHANNEL FUNCTION TEST of the Reactor Protection System electrical assemblies to require performance of the test each time the plant is in COLD SHUTDOWN mode for more than 24 hours unless the test has been carried out within the previous 6 months.

Date of issuance: December 18, 1991

Effective date: December 18, 1991

Amendment No: 86

Facility Operating License No. NPF-29. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51924) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 18, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: August 13, 1991

Brief description of amendment: The amendment 1) incorporated programmatic controls into the Administrative Controls section of the TS in accordance with the requirements of 10 CFR 20.106, 40 CFR Part 190, 10 CFR 50.36a, and Appendix I to 10 CFR Part 50; 2) relocated existing procedural details in the current TS for radioactive effluent monitoring instrumentation, the control of liquid and gaseous effluents, equipment requirements for liquid and gaseous effluents, radiological environmental monitoring, and radiological reporting details from the TS to the Offsite Dose Calculation Manual (ODCM); 3) relocated the definition of solidification and existing procedural details in the current TS on solid radioactive wastes to the Process Control Program (PCP); 4) simplified the administrative controls and added retention requirements for changes to the ODCM and the PCP; and 5) updated the definitions of the ODCM and the PCP consistent with these changes. This amendment implemented the guidance contained in NRC Generic Letter 89-01.

Date of issuance: December 18, 1991

Effective date: December 18, 1991

Amendment No: 87

Facility Operating License No. NPF-29. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 18, 1991 (56 FR 47237) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 18, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: October 7, 1991

Brief description of amendment: This amendment changes the surveillance frequency of ECCS pump-related instruments from monthly to quarterly.

Although a previous amendment (No. 121, issued May 9, 1991 at 56 FR 13664) revised the surveillance interval for ECCS pumps from monthly to quarterly, the corresponding instruments were inadvertently left as monthly. The administrative change to Technical Specifications Table 4.1-2, items 13 through 18, will correct this oversight and provide consistency between ECCS pump and ECCS pump-related instrument surveillance testing. The change replaces the "M" (monthly) notation with a "Q" (quarterly) notation for Table 4.1-2 items 13 through 18.

Date of issuance: December 19, 1991

Effective date: December 19, 1991

Amendment No.: 126

Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57698) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 19, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: July 29, 1991, as supplemented October 3, 1991

Brief description of amendment: The amendment changed the Technical Specifications to allow plant operation in the plant domain on the power/flow map above the rated rod line and to incorporate improvements in the average power range monitor and rod block monitor systems.

Date of issuance: November 29, 1991

Effective date: November 29, 1991

Amendment No.: 151

Facility Operating License No. DPR-46. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 4, 1991 (56 FR 43810) The additional information contained in the supplemental letter dated October 3, 1991, was clarifying in nature and thus within the scope of the initial notice and did not affect the staff's proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 29, 1991.

No significant hazards consideration comments received: None.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York

Date of application for amendment: August 21, 1991

Brief description of amendment: The amendment revises Technical Specification 4.9.6c. to allow raising the fuel assemblies up to 6 inches higher than currently allowed during refueling operations.

Date of issuance: December 17, 1991

Effective date: December 17, 1991

Amendment No.: 35

Facility Operating License No. NPF-69: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49924) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 17, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Philadelphia Electric Company, Public Service Electric and Gas Company Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: July 2, 1991

Brief description of amendments: These amendments revised the testing requirements for the Emergency Service Water Pumps.

Date of issuance: December 19, 1991

Effective date: December 19, 1991

Amendments Nos.: 165 and 169

Facility Operating License Nos. DPR-44 and DPR-56: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 21, 1991 (56 FR 41585) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 19, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: October 11, 1991.

Brief description of amendment: The amendment reduces the Residual Heat Removal pump flow rate surveillance acceptance criteria from 9900 gpm to 8910 gpm in TS 4.5.F.1. This change allows more accurate and repeatable inservice testing by eliminating problems inherent in testing the pumps near runout flow conditions.

Date of issuance: December 17, 1991

Effective date: December 17, 1991

Amendment No.: 174

Facility Operating License No. DPR-59: Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57700) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 17, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of Oswego, Oswego, New York 13126.

Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: October 11, 1991 as supplemented November 15, 1991.

Brief description of amendment: This amendment allows a reduction of the maximum outlet and minimum average temperatures of the liner cooling water for the Prestressed Concrete Reactor Vessel.

Date of issuance: December 19, 1991

Effective date: December 19, 1991

Amendment No.: 83

Facility License No. DPR-34: Amendment revised the license.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57701) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 19, 1991.

No significant hazards consideration comments received: None

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado 80631

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: October 10, 1991

Brief description of amendment: This amendment revised Technical Specification (TS) 3/4.4.6, "Pressure/Temperature Limits", and its associated Bases in accordance with the guidance contained in Generic Letter 91-01, "Removal of the Schedule for Withdrawal of Reactor Vessel Material Specimens from Technical Specifications." Specifically, Table 4.4.6.1.3-1, "Reactor Vessel Material Surveillance Program - Withdrawal Schedule", was removed, and references to the table in TS 3/4.4.6 and the associated Bases were deleted. In addition to the Generic Letter 91-01 endorsed changes, an additional change to the Bases for TS 3/4.4.6 was made to correct an editorial error.

Date of issuance: December 16, 1991

Effective date: As of the date of issuance and shall be implemented within 60 days of the date of issuance.

Amendment No. 46

Facility Operating License No. NPF-57. This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 13, 1991 (56 FR 57702) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 16, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: October 17, 1991

Brief description of amendment: This amendment revised TS Section 3/4.2.3, MINIMUM CRITICAL POWER RATIO. Specifically, the constants in the equation for tau_B have been changed.

Date of issuance: As of the date of issuance and shall be implemented within 60 days of the date of issuance.

Effective date: December 17, 1991

Amendment No. 47

Facility Operating License No. NPF-57. This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 13, 1991 (56 FR 57703) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 17, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendment: December 14, 1990; supplemented October 15, 1991 (TS 90-22)

Brief description of amendment: This amendment changes the title of the person on the Operations Department staff holding a Senior Operator License from the Operations Manager to the Operations Superintendent.

Date of issuance: December 16, 1991

Effective date: December 16, 1991

Amendment No.: 156 for Unit 1; 145 for Unit 2

Facility Operating License Nos. DPR-77 and DPR-79: Amendments revise the technical specifications.

Date of initial notice in Federal Register: November 13, 1991 (56 FR 57704) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 16, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: October 26, 1989

Brief description of amendments: These amendments add a license condition stating that the current assessment of the control room dose calculations/ habitability is documented in letter Serial No. 89-381 and that the limiting predicted control room doses are revised in accordance with that submittal.

Date of issuance: December 26, 1991

Effective date: December 26, 1991

Amendment Nos. 164 and 163

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Licenses.

Date of initial notice in Federal Register: February 7, 1990 (55 FR 4287) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 26, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Notice of Issuance Of Amendment To Facility Operating License and Final Determination Of No Significant Hazards Consideration and Opportunity For Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without

opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By February 7, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director)**: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions,

supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: December 5, 1991

Brief description of amendment: This amendment adds a statement in TS 3.2.4 that the provisions of TS 3.0.4 are not applicable. A Temporary Waiver of Compliance was verbally granted on December 4, 1991, followed by a letter dated December 6, 1991.

Date of issuance: December 16, 1991

Effective date: December 16, 1991

Amendment No.: 138

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Public comments requested regarding proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances and final determination of no significant hazards consideration is contained in a Safety Evaluation dated December 16, 1991.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629

NRC Project Director: Herbert N. Berkow

Indiana Michigan Power Company, Docket No. 50-316, Donald C. Cook Nuclear Plant, Unit No. 2, Berrien County, Michigan

Date of application for amendment: December 16, 1991

Brief description of amendment: This amendment modifies TS 3.3.3.6. to allow the pressurizer safety valve position indicator acoustic monitor QR-107C (instrument 14 in Table 3.3-10) to be exempt from the Table 3.3-10 requirements until the end of the current operating cycle expected to end in February 1992.

Date of Issuance: December 23, 1991

Effective date: December 23, 1991

Amendment No.: 145

Facility Operating License No. DPR-58. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated December 23, 1991.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

NRC Project Director: L. B. Marsh.

Dated at Rockville, Maryland, this 27th day of December 1991.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[Doc. 92-248 Filed 1-7-92; 8:45 am]

BILLING CODE 7590-01-D

All Nuclear Power Reactors; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action regarding a Petition for action under 10 CFR 2.206 received from Mr. Eldon V.C. Greenberg, filed on behalf of the Nuclear Control Institute and the Committee to Bridge the Gap. The Petition requested the U.S. Nuclear Regulatory Commission (NRC) to institute an individual plant examination program requesting licensees to evaluate the margin of nuclear power plants to withstand safeguards events beyond the current design basis. The Notice of Receipt of Petition for Director's Decision under 10 CFR 2.206 was published in the Federal Register on October 16, 1991 (56 FR 51937).

The Director of the Office of Nuclear Reactor Regulation has determined that the Petition should be denied for the reasons explained in the "Director's Decision under 10 CFR 2.206" (DD-91-08), which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

A copy of the decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the decision will constitute the final action of the Commission 25 days after the date of the issuance of the decision, unless the Commission on its own motion institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 31st day of December, 1991.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-359 Filed 1-7-92; 8:45 am]

BILLING CODE 7590-01-M

Yankee Atomic Electric Co.; Withdrawal of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted a request by Yankee Atomic Electric Company (licensee) to withdraw its March 14, 1991, application for an amendment to Facility Operating License DPR-3, issued to the licensee for operation of the Yankee Nuclear Power Station, located in Franklin County, Massachusetts. Notice of Consideration of Issuance of this amendment was published in the Federal Register on April 17, 1991 (56 FR 15647).

The purpose of the licensee's amendment request was to change certain staffing titles, make staff additions, and personnel realignments, and provide for a review by the Plant Operations Review Committee of changes made to the Security Plan, Emergency Plan and their associated implementing procedures.

Subsequently, the licensee informed the staff that the amendment is no longer required. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment, dated March 14, 1991, and (2) the staff's letter, dated December 17, 1991.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, Lower Level, 2120 L Street, NW., Washington, DC 20555 and at the local public document room, located at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland, this 31st day of December, 1991.

For the Nuclear Regulatory Commission.

Morton B. Fairtile,

Senior Project Manager, Project Directorate I-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-358 Filed 1-7-92; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Meetings

ACTION: Notice of panel meeting.

Pursuant to its authority under section 5051 of Public Law 100-203, the Nuclear Waste Policy Amendments Act (NWPAA) of 1987, the Nuclear Waste Technical Review Board's Panel on the Engineered Barrier System will hold a meeting on February 10, 1992, in Augusta, Georgia, at the Sheraton Augusta Hotel, 2651 Perimeter Parkway, Augusta, Georgia 30909; (404) 855-8100.

The purpose of the meeting is twofold. The Office of Civilian Radioactive Waste Management (OCRWM) has been asked to make a presentation on the effects of thermal loading on the performance of the engineered barrier system (EBS). (The EBS comprises all the engineered components of a high-level waste disposal system including the repository design, waste form, waste containers and surrounding material, and backfill material. The EBS is an important part of the repository that is being designed for the proposed site at Yucca Mountain, Nevada.) Subsequent to this presentation on the EBS, the Department of Energy (DOE) and its contractors will brief the panel on the high-level waste management activities at the Savannah River Plant. The one-day meeting is tentatively scheduled to begin at 8:30 a.m. The public is welcome to attend this meeting.

On February 11 panel members have been invited to tour the waste handling operations at the Savannah River Plant, including the Defense Waste Processing Facility (DWPF). On February 12 panel members will tour the commercial low-level waste disposal site operated by Chem-Nuclear Systems, Inc., at Barnwell, South Carolina. Both tours are closed to the public.

Transcripts of the February 10 meeting will be available on a library-loan basis from Victoria Reich, Board librarian, beginning April 15, 1992. For further information, contact Paula N. Alford, Director, External Affairs, Nuclear Waste Technical Review Board, 1100 Wilson Boulevard, suite 910, Arlington, Virginia 22209; (703) 235-4473.

Dated: January 3, 1992.

William D. Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 92-380 Filed 1-7-92; 8:45 am]

BILLING CODE 6820-AM-M

OFFICE OF PERSONNEL MANAGEMENT

Administrative Careers With America

AGENCY: Office of Personnel Management.

ACTION: Final notice of implementation of ACWA.

SUMMARY: In accordance with a court order in *National Treasury Employees Union* v. *Newman*, No. 90-1165 (D.D.C., July 22, 1991), the Office of Personnel Management (OPM) is publishing a final notice of the implementation of the Administrative Careers With America (ACWA) examinations covering various entry-level positions at the GS-5/7 levels.

FOR FURTHER INFORMATION CONTACT: Tracy Spencer, (202) 606-0960.

EFFECTIVE DATE: January 8, 1992.

SUPPLEMENTARY INFORMATION: OPM announced the ACWA examinations on April 19, 1990, covering positions that were formerly filled under the Professional and Administrative Career Examination (PACE). Use of the PACE was terminated in 1982 under the terms of a consent decree in *Luevano* v. *Devine* (Civil Action No. 79-271). In *NTEU* v. *Newman*, the court held that OPM must engage in notice and comment rulemaking on ACWA on a specified schedule. Pursuant to that schedule, a notice of proposed rulemaking was published on September 5, 1991 (56 FR 43394). OPM received comments from the National Treasury Employees Union (NTEU), eight agencies, and one individual.

Those comments are discussed below. In making final decisions on the content of the program, OPM considered those comments in light of basic goals for ACWA—i.e., to expedite the examining process, to provide prompt service and high-quality candidates to agencies, and to create a system that would be easy for applicants to use.

Validity of the Written Tests

The ACWA examinations employ separate written tests for each of six occupational groups: (1) Health, safety and environmental occupations; (2) writing and public information occupations; (3) business, finance, and management occupations; (4) personnel, administration, and computer occupations; (5) benefits review, tax, and legal occupations; and (6) law enforcement and investigations occupations. The written test accounts for one-half of an applicant's score, with the other half based on an Individual Achievement Record (IAR), a biodata instrument that evaluates how well applicants have used the opportunities they have had in school, work, and outside activities.

Three commenters questioned the validity of the written tests. They commented that the questions did not appear sufficiently job-related for all the occupations covered by a single test. One of these commenters also asked why OPM discontinued use of 16 occupation-specific examinations developed between the elimination of PACE and implementation of ACWA and suggested that OPM continue use of those 16 examinations in the occupations they covered and use ACWA only for the remaining occupations. That commenter also suggested that occupation-specific examinations be developed for additional occupations, stating that the large number of potential hires would justify the costs of developing and validating the examinations.

The ACWA tests measure reasoning abilities common to all jobs in a group. The difference among jobs is in the subject matter in which the reasoning abilities are applied. The subject matter in which ACWA tests is tailored to the duties of jobs in the group or to Government employment in general.

Continuation of the 16 previous alternative examinations along with ACWA would make the examining system more confusing for applicants, since there would be 22 examinations instead of 6, without increasing validity or fairness. Evidence available so far supports the validity of the new tests as comparing favorably with that of the 16 earlier occupation-specific examinations. Also, applicants obtaining a passing score under ACWA include a greater representation of minorities than was the case for the occupation-specific examinations.

With regard to development of occupation-specific examinations, hiring activity to date does not support the conclusion that additional examinations would have substantial use. Since implementation of ACWA, 2,528 appointments have been made from ACWA registers. Seven occupations—Social Insurance Representative and Claims Examiner, GS-101 and 993, Tax Technician, GS-526, Internal Revenue Officer, GS-1169, Immigration Inspector, GS-1816, Import Specialist, GS-1889, and Customs Inspector, GS-1890—account for 85 percent of that total. The remaining 15 percent of appointments are distributed among over 90 occupations. OPM plans to develop more occupation-specific examinations to the extent possible, but it is unlikely that hiring activity will support

development of separate examinations in some ACWA occupations. OPM plans to conduct pilot studies to explore the feasibility of alternative selection procedures and to determine how best to examine in the small-fill occupations. OPM will also conduct a pilot study of shared examining responsibility involving major occupations. Shared examining may benefit both OPM, by reducing costs, and the agency, by making the examination more responsive to actual hiring needs.

Validity of the IAR

Four commenters also questioned the validity of the IAR, citing concerns about job-relatedness, subjectivity, bias, and privacy.

For 5 years, a major portion of OPM's personnel research resources was devoted to research and development of alternative tests that would permit measurement of work-related noncognitive attributes such as achievement motivation and that would reduce the impact that purely cognitive tests have on some applicants. OPM has concluded that the procedure which best meets these goals is the empirically scored achievement and experience (biodata) form. We know of no reasonably valid selection procedure that has no impact against one or more groups, but the IAR is among the lowest that OPM has observed. In developing the IAR, OPM took great care to include only items that were under the applicant's control and to include questions on a broad range of experiences. Therefore, no particular group of questions, such as those about early experiences, will carry undue weight. OPM has recently reviewed the questions in the IAR and has removed some that did not meet the objectives stated above.

The IAR has been validated using a concurrent validation study that meets the highest professional standards and is in accord with the Uniform Guidelines on Employee Selection Procedures. Applicant scores to date have followed the distribution obtained from the employee sample used in the validation study. OPM will continue to monitor IAR scores and has embedded special items within the IAR that will permit us to develop indices of possible inflation of experiences by applicants. OPM also plans to conduct a criterion-related validity study on applicants as soon as there are enough appointments in various occupations to provide a representative sample. That study has been delayed because of the low level of hiring activity since ACWA was implemented.

Shortening the Written Test

Four commenters approved use of a shorter test, but three commenters expressed concern that reducing the length of the test might reduce its validity. OPM has determined that the reduction of validity due to the shortening of the test battery is approximately 2 percent, which would reduce the validity coefficient from .91 to .89. OPM regards the level of retained validity as excellent. It should be noted that much of the shortening of the test was accomplished by eliminating experimental questions. The operational test (i.e., questions calculated in an applicant's score) was reduced by 30 percent, but the number of experimental questions was reduced by 85 percent.

Use of a Warm-Up Test

Four commenters also approved use of a 10-minute warm-up test, but one commenter suggested that the warm-up test might distract applicants, particularly recent college graduates, who are accustomed to taking tests. That commenter suggested that providing a study guide might be more appropriate. The warm-up test serves a dual purpose: It allows the applicants to practice with the test questions, and it allows OPM to pre-test items that may someday be used in the operational test. The possibility that the warm-up test may prove a distraction causes OPM some concern. OPM will monitor applicants' reactions to the warm-up test to determine whether it serves a beneficial purpose. OPM also agrees that a study guide is helpful to applicants. At present, OPM provides a sample question booklet containing two questions of each type. Thorough explanations are given for each question, including an explanation of why the incorrect response choices are inferentially incorrect. In the future, OPM would like to expand the booklet and perhaps include a sample test. However, some applicants may not read the booklet before the test. Those applicants should benefit from the warm-up test.

Scheduling of Examinations

Three commenters supported use of open-continuous examinations. Their comments expressed concern about "stagnant" registers (i.e., registers with limited hiring activity on which eligible applicants are likely to be unavailable by the time they are referred) and about high declination rates. In response to these concerns, OPM will be changing the period of eligibility from 1 year to 6 months. OPM expects to implement this change by April 1992 and will notify applicants of the need to renew their eligibility after 6 months.

Other Operational Issues

Several commenters made suggestions for streamlining operation of the ACWA examinations. Greatest interest was expressed in obtaining more specific information about applicants' geographic availability and in providing applicants with more information about the qualifications required for eligibility at each grade and the documentation they will need to demonstrate eligibility. OPM plans to restructure the geographic availability codes and is now testing revised codes for some geographic areas. OPM is also advising applicants in the Qualifications Information Statement about the forms they will need and the importance of obtaining these forms promptly. OPM may include instructions for examiners to provide an additional reminder during the test session when the directions for conducting the OPM examinations are revised.

To give prompt effect to the court's ruling in *NTEU* v. *Newman*, which called for OPM to engage in notice and comment rulemaking and to continue use of ACWA, OPM is making this notice of implementation effective immediately.

Legal Authority: 5 U.S.C. 3301(2)).

Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92-278 Filed 1-7-92; 8:45 am]

BILLING CODE 6325-01-M

Director's Advisory Committee on Law Enforcement and Protective Occupations; Open Meeting

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of open meeting.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the third meeting of the Director's Advisory Committee on Law Enforcement and Protective Occupations will be held at the time and place shown below.

DATES: January 23, 1992, 2:30 p.m.

PLACE: Stouffer Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC.

AGENDA: The focus of the January 23rd meeting will be to discuss issues related to the pay and classification of Federal firefighters.

FOR FURTHER INFORMATION CONTACT: Phyllis G. Foley, Director, Law Enforcement and Protective Occupations Task Force, Office of Compensation Policy, Personnel Systems and Oversight Group, Office of Personnel Management, room 7H30, 1900 E Street, NW., Washington, DC 20415.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. If time permits, an opportunity will be provided for members of the public in attendance at the meeting to provide their views. Persons wishing to address the Advisory Committee orally at the meeting should submit a written request no later than the close of business on January 16, 1992. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation, and the amount of time desired.

Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92-374 Filed 1-7-92; 8:45 am]

BILLING CODE 6325-01-M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meetings

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Tuesday and Wednesday, January 21-22, 1992, at The Madison Hotel, 15th & M Streets, Northwest, Washington, DC.

The Full Commission will meet each day in Executive Rooms 1, 2, and 3 and will convene on both days at 9 a.m.

All meetings are open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 92-353 Filed 1-7-92; 8:45 am]

BILLING CODE 6820-BW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30132; File No. SR-NASD-91-57]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Improvements in the NASD Code of Arbitration Procedure

December 30, 1991.

Introduction

The National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted on November 4, 1991, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder.[2] The proposal, in general, amends the NASD Code of Arbitration Procedure [3] (the "Code") to allow for a single arbitrator in simplified cases where a counterclaim exceeds $10,000.

Notice of the proposed rule change together with the terms of substance of the proposal was provided by the issuance of a Commission release (Securities Exchange Act Release No. 29974, November 20, 1991 (and by publication in the **Federal Register** (56 FR 60139, November 27, 1991). No comments were received with respect to the proposed rule change.

Description

The proposed rule change to Section 13(d) would permit the appointment of a single arbitrator in simplified cases [4] where a counterclaim or third-party claim exceeds $10,000, unless the parties demand a panel of three arbitrators. This conforms to the provisions of section 19(a) of the Code, which provides that a single arbitrator may be appointed where the amount in controversy does not exceed $30,000. In the event that the amount in controversy exceeds $30,000, section 19(b) of the Code would require the appointment of a panel of three arbitrators. Additionally, minor grammatical changes have been made to conform section 13 to other sections of the Code.

Commission Findings

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A [5] and the rules and regulations thereunder. Section 15A(b)(6) of the Act requires, in part, that the rules of the Association are designed to promote just and equitable principles of trade, and to protect investors and the public interest. The Commission believes that these goals are furthered by the instant proposal in that the efficiency of the arbitration process will be improved, which will benefit investors who have occasion to use the arbitration process.

It Is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change, SR-NASD-91-57, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[6]

Jonathan G. Katz,

Secretary.

[FR Doc. 92-313 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1990).

[3] NASD *Securities Dealers Manual,* Code of Arbitration Procedure, Part III, section 13(d), CCH ¶ 3713.

[4] Section 13 provides an arbitration procedure, characterized as Simplified Arbitration, for any dispute, claim or controversy which is subject to arbitration, arising between a public customer and an associated person or a member, involving a dollar amount not exceeding $10,000. Section 13(f) allows for a single arbitrator in Simplified cases, and upon request, Section 13(i) allows for the appointment of two additional arbitrators to decide the matter in controversy.

[5] 15 U.S.C. 78o-3 (1982).

[6] 17 CFR 200.30-3(a)(12).

[Release No. 34-30143; File No. SR-NASD-91-64]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Fees for Nasdaq Issuers

January 2, 1992.

Introduction

The National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted on November 26, 1991, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder.[2] The proposal amends Part IV of Schedule D to the NASD By-Laws [3] to adopt a new annual fee for Nasdaq National Market System ("Nasdaq/NMS") and Regular Nasdaq issuers.

Notice of the proposed rule change together with the terms and language of the proposal was provided by the issuance of a Commission release (Securities Exchange Act Release No. 30003, November 27, 1991) and by publication in the **Federal Register** (56 FR 61452, December 3, 1991). No comments were received with respect to the proposed rule change.

Description

The NASD is proposing a new annual fee increase for domestic and foreign issuers in Nasdaq and Nasdaq/NMS for the 1993 calendar year; with a partial implementation of the new annual fee in

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1990).

[3] NASD *Securities Dealers Manual,* Schedule D to the By-Laws, Part IV, CCH ¶ 1814.

the 1992 calendar year.[4] The new annual fee will apply to both foreign and domestic issuers on Nasdaq or Nasdaq/NMS, with the annual fee calculation for American Depositary Receipts ("ADRs") remaining unchanged. The NASD has determined that an increase in the annual fee is necessary to fund among other things, increased market surveillance costs, significant enhancements to Nasdaq technology, enhanced product/service programs, and advertising programs for such issuers and markets.

The new annual fee for the Nasdaq/NMS issuers will be calculated on total issuer shares outstanding, the "base fee," plus a "variable fee" for issuers with a market capitalization [5] above $100 million. Regular Nasdaq issuers shall pay an annual fee consisting of $4,000 for the Company's first issue, plus $1,000 for each additional issue.[6] Furthermore, the rule proposal clarifies that where a security moves from Nasdaq/NMS to Regular Nasdaq, any such portion of the annual Nasdaq/NMS fee shall be applied to the Regular Nasdaq annual fee for that calendar year; and the inverse would apply to companies moving from Regular Nasdaq to Nasdaq/NMS.

Commission Findings

Section 15A(b)(5) of the Act [7] requires that the rules of the Association provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the Association operates or controls. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A(b)(5) of the Act.

It Is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change, SR-NASD-91-64, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. 92-316 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[4] The rule proposal provides that for 1992, issuers will pay as an annual fee 100 percent of the current annual fee (calculated pursuant to a formula in the rule proposal which mirrors the formula now provided in Schedule D) *plus* 50 percent of the difference between the current annual fee and what the new annual fee would have been had it been in effect in 1992.

[5] Market capitalization is calculated by multiplying total shares outstanding at year end (except that convertible bonds, rights and warrants are not included) times the price at year end.

[6] The exact terms and language of the proposal have been provided in the **Federal Register** notice referenced in the Introduction section of this order.

[7] 15 U.S.C. 78o-3 (1988).

[8] 17 CFR 200.30-3(a)(12).

[Release No. 34-30144; File No. SR-NASD-91-49]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the NASD Code of Arbitration Procedure

January 2, 1992.

The National Association of Securities Dealers, Inc. ("NASD") submitted on September 24, 1991, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 [2] thereunder to amend part III, sections 12(c), 13(h), 22, 29 and 41(h) of the NASD Code of Arbitration Procedure (the "Code") to improve the efficiency of its arbitration process.

In general, the proposed rule change is intended to permit the referral of cases to the self-regulatory organization that supervises the market where the transaction occurred, provide pre-hearing procedures for simplified cases, provide a time period within which to raise a peremptory challenge to an arbitrator selected to determine pre-hearing matters, clarify the authority of arbitrators to proceed where a party fails to appear at any hearing session, and provide for the accrual of interest on awards.

Notice of the filing and the terms of substance of the proposed rule change, was given by the issuance of a Commission release (Securities Exchange Act Release No. 29976, November 21, 1991) and by publication in the **Federal Register** (56 FR 60140, November 27, 1991). The Commission did not receive any comment letters on the proposed rule change.

The proposed rule change is intended to accomplish the following:

1. Referral of Cases to Other Self-Regulatory Organizations

Under the proposed change to section 12(c), the Arbitration Department would review each claim to determine whether all transactions are readily identifiable as arising out of another market. If so, the claimant would be contacted and asked to consent to having the case referred to the appropriate self-regulatory organization for that market. It is intended that the NASD would retain jurisdiction where the claim invovled a mix of securities from different markets.

2. Pre-Hearing Procedures in Simplified Arbitrations

The proposed change to section 13(h) refers the parties to the general pre-hearing procedures of section 32 when a hearing is to be conducted, and sets shorter time frames for discovery where no hearing is to be conducted, in keeping with the policy of expediting small claims cases.

3. Peremptory Challenge to Selected Arbitrator

The proposed change to section 22 clarifies existing practice, wherein a peremptory challenge must be raised within five days of notification of the arbitrator named under either the general selection procedures of section 21 or the pre-hearing procedures of section 32 (d) or (e), whichever comes first in the course of the arbitration. Thus, a party that has not objected to an arbitrator selected to handle a pre-hearing conference or discovery dispute may not later raise a peremptory challenge to the same arbitrator when notification is made of the names of the entire panel.

4. Failure of a Party to Appear

The proposed change to section 29 clarifies the authority of the arbitrator(s) to proceed with and dispose of a case if a party fails to appear not only at the initial hearing, but at any continuation of the hearing session.

5. Interest Accrual on Awards

The proposed change to section 41 adds a new paragraph (h), providing that interest will accrue from the date of the award if the award is not paid within 30 days of receipt or if the award is the subject of a motion to vacate that is denied, unless otherwise specified by the arbitrators in the award. The rate of interest will be the legal rate (if any) prevailing in the state where the award was rendered, unless a different rate is set by the arbitrators.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1991).

The Commission recognizes that the proposed rule change is based on changes adopted by the Securities Industry Conference on Arbitration ("SICA") and that these provisions will be uniformly adopted by all members of SICA. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder. Specifically, the Commission believes that the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15(b)(6) of the Act requires that the NASD's rules, among other things, be designed to prevent fraudulent and manipulative practices, promote just and equitable principles of trade, and provide for protection of investors and the public interest. The rule change approved by this order will facilitate the arbitration process in the public interest and help ensure that the NASD continues to be able to provide an effective arbitration program that promotes the goals of section 15A(b)(6).

It Is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Jonathan G. Katz,

Secretary.

[FR Doc. 92-356 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30142; File No. SR-NYSE-91-46]

Self-Regulatory Organizations; Notice of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Enhancements to Audit Trail Account Identification Codes

January 2, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 17, 1991, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an introduction of new account identification codes to indicate orders for the account of a competing dealer for audit trail reporting purposes pursuant to the requirements of NYSE Rule 132.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

Exchange Rule 132 provides that clearing member firms submitting a transaction to comparison must include certain audit trail data elements, including a specification of the account type for which that transaction was effected according to defined account categories. However, current indicators do not identify transactions effected for the account of a competing dealer. A competing dealer is a specialist or market-maker registered as such on a registered stock exchange (other than the NYSE), or a market-maker bidding and offering over-the-counter, in a New York Stock Exchange-traded security.

New indicators of O, T, and R would be adopted to denote that a transaction was effected for the account of a competing dealer. The identifer "O" would denote a proprietary order for the account of a competing dealer, that is, a member or member organization trading for its own competing dealer account. The identifer "T" would denote an order where one member is acting as an agent for another member's competing dealer account. The identifer "R" would denote an order for the account of a non-member competing dealer.

The Exchange believes that the three new account categories for order identification will enhance the efficiency and accuracy of audit trail information. In addition, they will improve the Exchange's ability to assess the extent of activity by dealers and market-makers in Exchange listed securities and its imapct on the NYSE market. The new account identifers also will provide information which will assist the Exchange in developing any rules or policies which may be appropriate to ensure that a reasonable balance is struck as to the needs of competing dealers and the needs of other market participants, including public investors.

Member firms would be given a reasonable period of time (approximately six months) to make their own system enhancements so that they may be in compliance with the new account type identification requirements.

(b) Statutory Basis

The basis under the Act for the proposed rule change is the requirement under section 6(b)(5) that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impedients to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer peirod to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-91-46 and should be submitted by January 29, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-357 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30122; File No. SR-Phlx-91-47]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Insider Trading Sanctions and Fraud Enforcement Act of 1988

December 30, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 9, 1991, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to adopt rule 761 and equity and option floor procedure advices relating to the Insider Trading Sanctions and Fraud Enforcement Act of 1988 ("ITSFEA") as it relates to Exchange trading floor units (floorbrokers, Registered Options Traders ("ROTs"), and specialists).[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule is to comply with ITSFEA which requires written supervisory procedures for all broker-dealers, regardless of whether they are part of a full service or large trading firm or a floor trader. The proposed rule change establishes minimum standards for all Phlx Floor Units (i.e., floor brokers, ROTs, and specialists) respecting written supervisory procedures prescribed under ITSFEA. The procedures are designed to prevent the misuse of material, non-public information by Floor Unit employees.

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, thereby protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

[1] The exact text of the proposal was attached to the rule filing as Exhibit 2 and is available at the Phlx and the Commission at the address noted in Item IV below.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-91-47 and should be submitted by January 29, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Exhibit A

Rule 761 Supervisory Procedures Relating to ITSFEA

Member organizations must maintain written supervisory procedures as required by the Insider Trading and Securities Fraud Enforcement Act of 1988 (ITSFEA). Such procedures must be reasonably designed to prevent the misuse of material, non-public information by their employees.

In addition to the requirements under ITSFEA, the Exchange herein institutes basic minimum standards for incorporation into

ITSFEA related written supervisory procedures for all PHLX Floor Units (Floorbroker, ROT and Specialist). The requirements enumerated belolw must be included and, together with all related additional written supervisory procedures, must receive approval by the respective Designated Examining Authority (DEA). These requirements are not intended to supercede, or be presumed to fulfill, the requirements of ITSFEA. These requirements are instead set forth as separate requirements of the Exchange.

(1) Each new employee of the unit shall be furnished with a copy of the most current version of the Exchange's "Notice of Insider Trading" (Notice), or a document substantially similar to the Notice approved by the DEA for use in this connection. Within ten business days from the first date of employment with the unit, each new employee must sign and return the Notice to the employer. By his signature on the Notice, the employee attests to having carefully read the Notice and agrees to appropriately supply the employer firm with all trading accounts for which such person maintains a beneficial interest, including all personal and household accounts of the employee. Also, by his signature on the Notice, each new employee ensures that delivery of all related account statements will be made directly from the firm(s) maintaining the account to the employer.

(2) Each Unit must complete the Exchange's "ITSFEA Accounts List", comprising all accounts submitted in connection with paragraph (1) above and all proprietary accounts of the unit. Updates to the list must be made within one month of any change and each version of the list must be maintained for no less than three years by the Unit.

(3) Each month a supervisory person of the Unit is required to make a reasonable review of all activities from the account statements of those accounts reflected on the ITSFEA Accounts List with a view toward identifying the possible misuse of material non-public information. A report must be made promptly to the Exchange's Market Surveillance Department in the event that any such unusual profits are so identified.

In the instance where written supervisory procedures relating to ITSFEA have been adopted for a PHLX Unit in connection with requirements under another National Securities Exchange, and have been approved by the respective DEA, the Exchange requirements set forth in this advice will not apply.

EF-13, OF-13: Supervisory Procedures Relating to ITSFEA

Member organizations must maintain written supervisory procedures as required by the Insider Trading and Securities Fraud Enforcement Act of 1988 (ITSFEA). Such procedures must be reasonably designed to prevent the misuse of material, non-public information by their employees.

In addition to the requirements under ITSFEA, the Exchange herein institutes basic minimum standards for incorporation into ITSFEA related written supervisory procedures for all PHLX Floor Units (Floorbroker, ROT and Specialist). The requirements enumerated below must be included and, together with all related additional written supervisory procedures, must receive approval by the respective Designated Examining Authority (DEA). These requirements are not intended to supercede, or be presumed to fulfill, the requirements of ITSFEA. These requirements are instead set forth as separate requirements of the Exchange.

(1) Each new employee of the unit shall be furnished with a copy of the most current version of the Exchange's "Notice of Insider Trading" (Notice), or a document substantially similar to the Notice approved by the DEA for use in this connection. Within ten business days from the first date of employment with the unit, each new employee must sign and return the Notice to the employer. By his signature on the Notice, the employee attests to having carefully read the Notice and agrees to appropriately supply the employer firm with all trading accounts for which such person maintains a beneficial interest, including all personal and household accounts of the employee. Also, by his signatyure on the Notice, each new employee ensures that delivery of all related account statements will be made directly from the firm(s) maintaining the account to the employer.

(2) Each Unit must complete the Exchange's "ITSFEA Accounts List", comprising all accounts submitted in connection with paragraph (1) above and all proprietary accounts of the unit. Updates to the list must be made within one month of any change and each version of the list must be maintained for no less than three years by the Unit.

(3) Each month a supervisory person of the Units is required to make a reasonable review of all activities from the account statements of those accounts reflected on the ITSFEA Accounts List with a view toward identifying the possible misuse of material non-public information. A report must be made promptly to the Exchange's Market Surveillance Department in the event that any such unusual profits are so identified.

Failure to properly maintain the ITSFEA Account List, or to conduct related reviews required by this Advice, may result in the issuance of fines in accordance with the schedule below. In the instance where written supervisory procedures relating to ITSFEA have been adopted for a PHLX Unit in connetion with requirements under another National Securities Exchange, and have been approved by the respective DEA, the Exchange requirements set forth in this advice will not apply.

Fine Schedule: (Implemented on a three year running calendar basis.)

1st Occurrence $250
2nd Occurrence $500
3rd Occurrence Sanction discretionary with the Business Conduct Committee

[FR Doc. 92-317 Filed 1-7-92; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-30134; File No. SR-PHLX-91-46]

Self-Regulatory Organizations; Philadelphia Stock Exchange Inc.; Notice of Filing of Proposed Rule Change Relating to Amendments to Options Floor Procedure Advice F-7 Relating to Bids and Offers

December 31, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 9, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX, pursuant to rule 19b-4, submits as a proposed rule change a proposal to amend Exchange's Options Floor Procedure Advice ("OFPA") F-7, entitled Bids and Offers, to provide that floor traders may provide greater bid and/or offer sizes to facilitate customer orders while not being under such obligations with respect to broker-dealer orders.

The amendment to OFPA F-7 also reiterate current provisions contained in the PHLX's rules. First, in the absence of a stated size to any bid or offer, the quote displayed is deemed to be for one contract. Second, floor traders may be required to trade more than one contract for a particular quote in connection with provisions of the Exchange's Ten-Up Rule.

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C)

below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OFPA F-7 represents the general exchange auction principle that bid and offer prices shall be general ones and shall not be specified for acceptance by particular members. The proposed amendment reflects the development of different execution guarantees depending on the status of the order to be executed. For example, customer orders, as opposed to broker-dealer orders, are afforded a ten-up market guarantee on the Exchange, which means that customer orders receive an execution of up to ten contracts at the best market price regardless of whether a quote size was provided. Accordingly, the purpose of the proposed rule change is to permit floor traders to provide greater bid and/or offer sizes to facilities customer orders while not being under such obligations with respect to broker-dealer orders. Nevertheless, the proposed OFPA requires that sizes must be maintained equally for all orders of the same account type. For example, for a particular order, if a specialist elects to give a size of twenty-up to one broker-dealer, he must honor the size of twenty-up for all broker-dealer orders.

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act, in that, it promotes just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subseqent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 29, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-318 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18461; File No. 812-7820]

Bankers Security Life Insurance Society, et al.

December 31, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Bankers Security Life Insurance Society ("Bankers Security") and Bankers Security Variable Annuity Fund G ("Separate Account G").

RELEVANT SECTIONS OF THE 1940 ACT: Order requested pursuant to section 26(b) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit Bankers Security to substitute shares of Oppenheimer Asset Allocation Fund for the shares of Oppenheimer Fund currently held by Separate Account G.

FILING DATE: The application was filed on November 6, 1991.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 pm. on January 21, 1992. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues contested. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicants, 4601 Fairfax Drive, P.O. Box 3700, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Michael V. Wible, Senior Attorney, at (202) 272-2026, or Heidi Stam, Assistant Chief, Office of Insurance Products (Division of Investment Management), at (202) 272-2060.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Bankers Security is a stock life insurance company incorporated under the laws of the State of New York. Separate Account G is one of several separate investment accounts of Bankers Security (the "Separate Accounts") to which assets are allocated to fund certain individual variable annuity contracts (the "Contracts") issued by Bankers Security. The Separate Accounts are registered collectively as a unit investment trust under the 1940 Act.

2. Net purchase payments under the Contracts were allocated among the Separate Accounts in accordance with allocation instructions provided by owners of the Contracts ("Contract Owners"). Under the terms of the Contracts, the amount of a Contract's accumulated value, and the amount of annuity payments to annuitants, vary with the investment performance of the Separate Account or Accounts selected by the Contract Owner. Contract Owners may transfer all or a portion of the Contract's accumulated value between Separate Accounts (subject to certain limits), elect to surrender the Contract for all or any part of its

accumulated value, and elect one of several annuity payment schedules. All of the Contracts were issued prior to 1981 and no purchase payments have been accepted since January 1, 1981.

3. The assets of each Separate Account are invested in shares of a mutual fund, each of which is an open-end diversified management investment company registered under the 1940 Act, as follows:

Separate Account D—Oppenheimer Fund.

Separate Account E—Eaton Vance Income Fund of Boston.

Separate Account F—Oppenheimer Money Market Fund, Inc.

Separate Account G—Oppenheimer Fund.

Separate Account H—Oppenheimer High Yield Fund.

Separate Account I—Oppenheimer Time Fund.

(collectively, the "Funds"). With the exception of Eaton Vance Income Fund of Boston, all of the Funds are managed by Oppenheimer Management Corporation ("Oppenheimer"). Shares of each of the Funds are also available for direct purchase by members of the general public. Under the Contracts, Bankers Security has reserved the right to invest the assets of the Separate Accounts in shares of other investment companies or any other investment permitted by law.

4. Oppenheimer Fund was organized as a Massachusetts business trust in 1987. Its primary investment objective is to seek capital appreciation. Its secondary investment objective is to achieve income consistent with growth in capital. Oppenheimer Fund seeks to achieve its objectives by investing principally in common stocks that offer growth possibilities while retaining a flexible approach to investment.

5. Oppenheimer Asset Allocation Fund ("Asset Allocation Fund") was organized as a Massachusetts business trust in 1983. Its investment objective is high total investment return, which includes current income and capital appreciation in the value of its shares, from investments in common stocks and other equity securities, bonds and other debt securities, and money market securities. Shares of Asset Allocation Fund are available for direct purchase by members of the general public. Asset Allocation Fund is currently not available as an investment option under the Contracts. Asset Allocation Fund has a distribution plan pursuant to rule 12b-1, which provides for payment by Asset Allocation Fund of certain distribution expenses at the maximum rate of .25% of the average net asset value of the Fund shares held by certain broker-dealers or other financial institutions or their customers (the "Distribution Plan").

6. Prior to July 11, 1991, the assets of Separate Account G were invested in Oppenheimer Premium Income Fund ("Premium Income Fund"). Premium Income Fund was organized as a Massachusetts business trust in 1985. On July 12, 1991, substantially all of the assets of Premium Income Fund were exchanged for shares of Asset Allocation Fund pursuant to an Agreement and Plan of Reorganization, which is discussed below. Premium Income Fund's investment objective was to provide high current return through investment in a professionally managed portfolio consisting primarily of dividend-paying common stocks with respect to which call options are traded on national securities exchanges and by writing covered call options on such stocks.

7. On September 25, 1981, the Internal Revenue Service ("IRS") released Rev. Rul. 81-225, 1981-2 C.B. 12, in which it concluded that the contract owner and not the issuing insurance company is considered the owner of mutual fund shares underlying a variable annuity contract where the mutual fund shares are also available for direct purchase by the contract owner, *i.e.*, where the mutual fund is publicly available. This conclusion applies only with respect to payments made into a separate account after December 31, 1980. All premium payments for the Contracts were made on or before December 31, 1980. Thus, the Contracts are "grandfathered" and continued investment of the assets of the Separate Accounts in the Funds has not altered the tax status of the Contracts.

8. On July 12, 1991, substantially all of the assets of Premium Income Fund were exchanged for shares of Asset Allocation Fund pursuant to an Agreement and Plan of Reorganization (the "Plan"). Under the Plan, Asset Allocation Fund shares were automatically issued for shares of Premium Income Fund on the basis of the per share net asset value of the shares of Asset Allocation Fund and the value of the assets of Premium Income Fund transferred to Asset Allocation as of the close of business on July 12, 1991 (the "Reorganization Transaction"). The Plan also provided for the dissolution and liquidation of Premium Income Fund and for the termination of its registration statement under the 1940 Act.

9. The Plan was approved by Premium Income Fund's Trustees on March 7, 1991 and by its shareholders on June 20, 1991. In connection with shareholder approval of the Plan, Bankers Security voted the shares held by Separate Account G in accordance with the instructions received from Contract Owners having a voting interest in Separate Account G, of which 84% of those voting approved the Plan.

10. Since Asset Allocation Fund was not one of the original investment options under the Contracts, Bankers Security was concerned that the acquisition of shares of Asset Allocation Fund in the Reorganization Transaction could have been treated as a modification of the Contracts, and that such modification could have resulted in the disallowance of the "grandfathered" status of the Contracts under Revenue Ruling 81-225. In such a case the Contract Owners might have been taxed currently on their proportionate share of future distributions made by Asset Allocation Fund to Separate Account G and possibly on other gains under the Contracts. In order to clarify this issue, Bankers Security applied to the IRS for a private letter ruling (the "Private Ruling") seeking confirmation that the investment of Separate Account G's assets in Asset Allocation Fund would not affect the tax treatment of the Contract Owners. The IRS had not responded to Bankers Security's request for the Private Ruling as of the date of the Reorganization Transaction.

11. Because of the concerns discussed above, Bankers Security determined that it should not permit the assets of Separate Account G to be subject to the Reorganization Transaction. The proxy statement distributed to Premium Income Fund shareholders in connection with the Reorganization Transaction stated that Bankers Security intended to apply to the Commission for an exemptive order to allow Bankers Security to transfer on behalf of the Contract Owners, its investment in Premium Income Fund to Oppenheimer Fund, since such a transfer would avoid any potential modification of the Contracts. Bankers Security did not file such an application with the Commission. By letters dated July 10 and July 11, 1991, Applicants (and others) requested "no-action" assurance that the Commission staff would raise no objection to this substitution without an order under section 26(b) of the 1940 Act. By a response dated July 11, 1991, the Staff stated that it would not recommend any enforcement action to the Commission under section 26(b) of the 1940 Act if Applicants substituted shares of Oppenheimer Fund for shares of Premium Income Fund then held by Separate Account G without an order from the Commission under section

26(b). Bankers Security Life Insurance Society (pub. avail. July 11, 1991). Accordingly, prior to the Reorganization Transaction, the substitution was effected by Bankers Security redeeming the shares of Premium Income Fund then held by Separate Account G and purchasing with the proceeds shares of Oppenheimer Fund.

12. On October 10, 1991, the IRS issued the requested Private Ruling, confirming that the investment of Separate Account G's assets in Asset Allocation Fund will not affect the tax treatment of the holders of the Contracts. Accordingly, consistent with the spirit of Contract Owners' approval of the Reorganization Transaction, Applicants now seek to substitue shares of Asset Allocation Fund for the shares of Oppenheimer Fund held by Separate Account G.

13. Applicants request that the Commission issue an order pursuant to section 26(b) of the 1940 Act approving the substitution of shares of Asset Allocation Fund for all shares of Oppenheimer Fund held by Separate Account G.

14. Section 26(b) of the 1940 Act requires Commission approval before any depositor or trustee of a registered unit investment trust holding the security of a single issuer may substitute another security for such security. The Commission is authorized to approve any such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

15. Applicants submit that the proposed substitution is necessary to give effect to the substance of Contract Owners' approval of the Plan. Eighty-four percent of the Owners having a voting interest in Separate Account G approved the Plan, and only seven percent of those Contract Owners who voted did so against adoption of the Plan. The intermediate substitution of shares of Oppenheimer Fund made soley to avert possible adverse tax consequences of the Reorganization Transaction to Contract Owners who maintain Accumulated Value in Separate Account G pending receipt of the Private Ruling.

16. Applicants represent that the investment policy of each of these funds involves the purchase of common stocks. In addition, the primary or secondary investment objective of each of these Funds includes current income. Asset Allocation Fund pays a maximum management fee of 1.0% of average net assets, and its effective management fee rate is .90% of average net assets, taking into account breakpoints in the fee schedule. Oppenheimer Fund pays a management fee at an annual rate of .75% of average net assets (disregarding breakpoints). Asset Allocation Fund had a ratio of expenses to average net assets of 1.36% for the fiscal year ended December 31, 1990, compared to 1.07% for Oppenheimer Fund for the fiscal year end June 30, 1991. In analyzing the appropriateness of substituting shares of one fund for those of another, applicants often address the comparability of the respective funds' investment objectives, policies, and expenses ratios. However, while such information may be pertinent, Applicants submit that the proposed substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act because it is necessary to give effect to the substance of the Contract Owners' approval of the Plan.

17. In addition, Applicants submit that the proposed substitution is not the type of substitution that Section 26(b) was designed to govern. Applicants represent that Congress intended section 26(b) to provide for Commission scrutiny of proposed substitutions that could otherwise, in effect, force shareholders dissatisfied with the substituted security to redeem their shares, thereby possibly incurring either a loss of the sales load deducted from initial purchase payments, an additional sales load upon reinvesment of the proceeds of redemption, or both.

18. The proposed substitution will take place at relative net asset value with no change in the amount of any Contract Owner's accumulation value allocated to separate account G or in the dollar value of any Contract Owner's interest in Separate Account G immediately before and after the substitution. Contract Owners will not incur any fees or charges as a result of the proposed substitution, nor will their rights or Bankers Security's obligations under the Contracts be altered in any way. All expenses incurred in connection with the proposed substitution, including legal, accounting, and other fees and expenses, will be paid by Bankers Security. The proposed substitution will not impose any tax liability on Contract Owners. Thus, Applicants assert that none of the detriments of "forced " substitutions underlying congressional intent in adopting section 26(b) are present.

19. Contract Owners will receive notice of the proposed substitution, which will also advise Contract Owners about their right, without penalty, to exercise their own judgement as to the most appropriate alternative investment vehicle and to transfer all or a portion of the accumulated value held in Separate Account G to another of the Separate Accounts without payment of any fee or charge. Conditions under the Contract that limit the timing and minimum dollar amount of transfers will be waived; however, a transfer may only be made prior to the date of receipt by Bankers Security of notification of the death of the Annuitant.

Applicants' Conditions

20. As a condition to the requested order, Bankers Security will waive annual revenues that it derives from Separate Account G under the Contracts in an amount equal to Separate Account G's pro rata portion of the charges assessed on an annual basis by Asset Allocation Fund under its Distribution Plan. The wavier will be effected by Bankers Security offsetting the percentage of Separate Account G's assets that are deducted daily for the mortality and expense risk charge by an amount that is equal to the percentage of Asset Allocation Fund's assets that are accrued on a daily basis under its Distribution Plan.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-319 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18463; 812-7793]

Boston Capital Tax Credit Fund III L.P. et al.; Notice of Application

December 31, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Boston Capital Tax Credit Fund III L.P., a Delaware limited partnership (the "Partnership") and its general partner, Boston Capital Associates III L.P. (the "General Partner").

RELEVANT ACT SECTIONS: Exemption under section 6(c) from all provisions of the Act.

SUMMARY OF APPLICATION: Applicants seek an order exempting the Partnership from all provisions of the Act and the rules thereunder to permit the Partnership to invest in other limited partnerships that, in turn, will engage in the development, rehabilitation,

ownership, and operation of housing for low and moderate income persons.

FILING DATE: The application was filed on September 27, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 23, 1992, and should be accompanied by proof of service on applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 313 Congress Street, Boston, Massachusetts 02210-1232.

FOR FURTHER INFORMATION CONTACT: James M. Curtis, Staff Attorney, at (202) 504-2406, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Partnership was organized on September 19, 1991, under the Delaware Revised Uniform Limited Partnership Act. Pursuant to registration under the Securities Act of 1933, the Partnership plans to offer 20,000,000 units of beneficial interest at $10.00 each with a minimum purchase amount of $5,000. Purchasers of these units ("Investors" or "BAC Holders") will become holders of beneficial assignee certificates ("BACs") which represent an assignment of the limited partnership interest in the Partnership of BCTC III Assignor Corp., a Delaware corporation (the "Assignor Limited Partner").

2. The Assignor Limited Partner was formed for the sole purpose of acting as assignor of all its limited partnership interest in the Partnership and will not engage in any other business. After the admission of Investors, the Assignor Limited Partner will not retain any ownership interest in the Partnership. The Assignor Limited Partner must vote the assigned limited partnership interests as directed by the BAC Holders. Each BAC Holder will be entitled to all the economic benefits of a limited partner of the Partnership. In addition, the Partnership's counsel will render an opinion stating that it is more likely than not that the BAC Holders will be able to realize the tax benefits disclosed in the Prospectus, and unqualified opinions that BAC Holders will be treated as limited partners of the Partnership for federal income tax purposes, and that all the rights granted to BAC Holders by the Partnership Agreement are valid and enforceable under Delaware law. The BACs are used solely for administrative convenience and to facilitate transferability.

3. The Partnership will operate as a "two-tier" entity, *i.e.* as a limited partner, it will invest in other limited partnerships ("Operating Partnerships") which will acquire, develop, construct or rehabilitate, operate and maintain multifamily residential apartment complexes ("Apartment Complexes"), each of which is expected to qualify for the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, as amended (the "Code"). The investment in Operating Partnerships is in accordance with the purposes and criteria set forth in Investment Company Act Release No. 8456 (Aug. 9, 1974) ("Release No. 8456"). The Partnership intends to realize: (a) Certain tax benefits, including low-income housing tax credits, (b) potential capital appreciation through increases in value and, to the extent applicable, amortization of the mortgage indebtedness of the Apartment Complexes, (c) cash distributions from liquidation, sale or refinancing of the Apartment Complexes, and (d) to the extent available, limited cash flow from operations.

4. The Partnership will generally attempt to acquire a 90% to 99% interest in the profits, losses, and tax credits, and a 50% to 99% interest in the distributable cash flow of each Operating Partnership, with the balance remaining with the operating general partner (the "Operating General Partner"). However, regardless of the percentage interest in an Operating Partnership, the Partnership will have certain rights under the terms of the Operating Partnership Agreements which will include, subject only to a determination that the existence and/or exercise of any such rights will jeopardize the limited liability of the Partnership as a limited partner: (a) The right to approve or disapprove any sale or refinancing of an Apartment Complex, (b) the right to replace an Operating General Partner on the basis of performance, (c) the right to approve or disapprove the dissolution of an Operating Partnership, (d) the right to approve or disapprove amendments to an Operating Partnership Agreement materially and adversely affecting the Partnership's investment, and (e) the right to direct the Operating General Partners to convene meetings and to submit matters to a vote. In addition, the Partnership will require all Operating Partnerships to provide to the limited partners thereof substantially all the rights required by section VII of the Statement of Policy on Real Estate Programs adopted by the North American Securities Administrators Association, Inc. (the "NASAA Guidelines").

5. When placing an order for BACs, each Investor must represent in writing that he/she or it meets the following applicable suitability standards: (a) Each Investor must have (i) a net worth (exclusive of home, home furnishings, and automobiles) in excess of $75,000 or (ii) annual gross income of $35,000 and a net worth (exclusive of home, home furnishings, and automobiles) of not less than $35,000 and (iii) for those non-corporate Investors who do not have or anticipate having any net passive income, a maximum adjusted gross income of $250,000, and (b) for corporate Investors (i) a corporation that is neither closely held nor a personal service corporation and is not subject to Subchapter S of the Code (a "C Corporation") may use the low-income tax credits to offset income from all sources, but should reasonably expect to have sufficient federal taxable income from all sources to use the low-income tax credits and losses for ten to twelve years after investing in BACs and (ii) a closely held C Corporation that is not a personal service corporation should reasonably expect to have sufficient active or passive income, but not portfolio income, to use the low-income tax credits and losses for approximately ten to twelve years after investing in BACs. In addition, the Partnership Agreement requires evidence of a transferee's suitability in order to record a transfer on its books. Units will be sold in certain states only to persons who meet different standards which will be set forth in the Prospectus. In no event shall the Partnership employ suitability standards that are less restrictive than those set forth above except to the extent that the standard in item (a)(iii) above is modified as a result of changes in federal income tax law or with respect to investments in Apartment Complexes expected to qualify for state housing tax credits, in addition to the federal low-income housing tax credits, where the $250,000

adjusted gross income maximum is inapplicable.

6. The Partnership will be controlled by its General Partner. The Investors, consistent with their limited liability status, will not be entitled to participate in the control of the business of the Partnership. However, a majority in interest of the Investors will have the right to amend the Partnership Agreement, dissolve the Partnership, remove any General Partner and consent to a successor General Partner. In addition, under the Partnership Agreement, each Investor is entitled to review all books and records of the Partnership at any and all reasonable times.

7. The Partnership Agreement provides that certain significant actions cannot be taken by the General Parnter without the express consent of a majority in interest of the Limited Partners. Such actions include: (a) The sale of the Partnership's interests in the Operating Partnerships or the sale at any one time of all or substantially all of the assets of the Partnership, (b) dissolution of the Partnership, (c) consent to the sale of a substantial portion of the Apartment Complexes by the Operating Partnerships and (d) the admission of a successor or additional General Partner.

8. Boston Capitol Services, Inc. (the "Selling Agent"), an affiliate of the General Partner, will receive selling commissions, dealer-manager fees, and reimbursement of due diligence expenses in connection with BACs. The Selling Agent may re-allow a portion of its dealer-manager fees and due diligence expense reimbursement to other soliciting dealers. Any selling commissions and fees charged by the Selling Agent or other soliciting dealers will be consistent with the NASAA Guidelines.

9. During the offering and organizational phase, the General Partner and its affiliates will receive from the Partnership reimbursement of organizational and offering expenses.

10. Acquisition phase fees payable by the Parntership to the General Partner or its affiliates in connection with the acquisition of interests in Operating Partnerships will be limited by the NASAA Guidelines. During the operating phase, the Partnership may pay additional fees or compensation to the General Partner or its affiliates, including an annual management fee and reimbursement for administrative services. In addition to the foregoing fees and interests, the General Partner will be allocated generally 1% of profits and losses of the Partnership.

11. None of the fees payable to the General Partners and their affiliates has been or will be negotiated at arm's length. All such fees and compensation, however, will be fair and shall be no greater than the amount the Partnership would be required to pay to independent third parties for comparable services in the same geographic location. The Partnership believes that all potential conflicts of interest, including the receipt of commissions, fees, and other compensation by the General Partner and its affiliates, will be disclosed in the Prospectus. The Parnership Agreement and the Prospectus will contain various provisions designed to eliminate or significantly reduce these conflicts. For example, if a partnership becomes available that would satisfy the investment criteria of the Partnership and any other public partnership in which the General Partner and/or its affiliates have an interest, the following criteria will be followed with respect to determining which entity should acquire such investment. The General Partner and its affiliates will review the investment portfolio of each such entity, including any series being offered by each such partnership, and will in their sole determination decide which entity will acquire the investment on the basis of various factors, such as the amount of funds available, the length of time such funds have been available for investment, the cash requirements of each such entity, and the effect of the acquisition on each such entity's portfolio. If funds should be available to two or more public limited partnerships to purchase a given investment and all factors have been evaluated and deemed equally applicable to each entity, including any series being offered by each such partnership, then the General Partner and its affiliates will acquire such investments for the entities on a basis of rotation, with the order or priority determined by the dates of formation of the entities.

12. All proceeds of the offering of units will initially be deposited and held in trust for the benefit of the Investors in an escrow account or accounts with the Wainwright Bank and Trust Company. The Partnership intends to apply such proceeds to the acquisition of Operating Partnership interests as soon as possible. Such proceeds may be temporarily invested in bank time deposits, certificates of deposit, bank money market accounts, and government securities. The Partnership will not trade or speculate in temporary investments.

13. The Partnership Agreement provides for indemnification of the General Partner and its affiliates for losses, liability, or damage incurred by them in connection with the business of the Partnership. However, the Partnership has been advised that in the opinion of the SEC, indemnification for liabilities under federal securities laws is contrary to public policy and therefore unenforceable.

Applicants' Legal Conclusions

1. The exemption of the Partnership from all provisions of the Act is both necessary and appropriate in the public interest, because: (a) Investment in low and moderate income housing in accordance with the national policy expressed in Title IX of the Housing and Urban Development Act of 1968 is not economically suitable for private investors without the tax and organization advantages of the limited partnership form; (b) the limited partnership form insulates each Investor from personal liability, limits his financial risk to the amount he has invested in the program, and permits the pass-through to the Investor, on his individual tax return, of his proportionate share of the income and losses from the investment; (c) the limited partnership form of organization is incompatible with many provisions of the Act, such as the requirement of annual approval by investors of a management contract and the requirements concerning election of directors and the termination of the management contract; and (d) the concerns underlying the asset coverage limitations of section 18 of the Act are not justified in real estate investments and are inapposite to the mortgage financing and other government assisted programs developed for low income and moderate income housing. Also, an exemption from these basic provisions is necessary and appropriate in the public interest so as not to discourage two-tier limited partnership arrangements or frustrate the public policy established by the housing laws.

2. Release No. 8456 contemplates that the exemptive power of the SEC under section 6(c) may be applied to two-tier partnerships which engage in the kind of activities in which the Partnership will engage; that is, "[t]wo-tier partnerships that invest in limited partnerships engaged in the development and building of housing for low and moderate income persons * * *." The release lists two conditions, designed for the protection of investors, that must be satisfied in order to qualify for such an exemption: (a) "interests in the issuer should be sold only to persons for whom investments in limited profit, essentially tax-shelter, investments would not be

unsuitable" and (b) "requirements for fair dealing by the General Partners of the issuer with the limited partners of the issuer should be included in the basic organizational documents of the company." The Partnership will comply with these conditions and will otherwise operate in a manner designed to insure investor protection.

3. The contemplated arrangement of the Partnership is not susceptible to abuses of the sort the Act was designed to remedy. The requirements for fair dealing provided by the Partnership's governing instruments, and pertinent governmental regulations imposed on the Operating Partnerships by various federal, state and local agencies, provide protection to Investors comparable to, and in some respects greater than, that provided by the Act. An exemption would therefore be consistent with the protection of Investors and the purposes and policies of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-315 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18459; File No. 812-7830]

Providentmutual Life and Annuity Company of America, et al.

December 30, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Providentmutual Life and Annuity Company of America ("Providentmutual"), Providentmutual Variable Annuity Separate Account (the "Account") and PML Securities Company ("PML Securities").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order permitting the assessment of a daily charge against the assets of the Account for mortality and expense risks under certain variable annuity contracts.

FILING DATE: The application was filed on November 25, 1991.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on January 27, 1992. Request a hearing in writing, giving the nature of your interest, the reason for your request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, Providentmutual Life and Annuity Company of America, 1600 Market Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Barbara Whisler, Attorney, at (202) 272-5415, or Heidi Stam, Assistant Chief, at (202) 272-2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Providentmutual is a stock life insurance company chartered under Pennsylvania law in 1958 as Washington Square Life Insurance Company and authorized to transact life insurance and annuity business in Pennsylvania and all states other than New York and Maine and the District of Columbia. For purposes of the 1940 Act, Providentmutual is the depositor and sponsor of the Account as those terms have been interpreted by the Commission with respect to life insurance company separate accounts. Providentmutual is a wholly-owned subsidiary of Providentmutual Life Insurance Company of Philadelphia, a mutual insurance company chartered under Pennsylvania law in 1865.

2. The Account was established by Providentmutual as a separate investment account under Pennsylvania insurance law on May 9, 1991, as a funding medium for certain flexible premium variable annuity contracts (the "Contracts"). The Account has six subaccounts which invest exclusively in the shares of a designated investment portfolio of the Market Street Fund, Inc. (the "Fund"). The Fund was organized as a Maryland Corporation on March 21, 1985, and is registered under the Act as an open-end diversified management investment company of the series type.

3. The Contracts require a minimum initial premium payment of at least $2,000. Subsequent premium payments must be at least $100 for nonqualified Contracts and $50 for qualified Contracts. The Contract owner can allocate premium payments to one or more subaccounts, each of which will invest in a corresponding portfolio of the Fund. The Contract owner can also allocate premium payments to Providentmutual's general account and such payments will be credited with interest as provided for in the Contracts.

4. Prior to the earlier of the maturity date or death of the annuitant, a Contract owner may surrender all or a portion of the Contract account value, or transfer Contract account values between the subaccounts. The Contract provides for a series of annuity payments beginning on the maturity date. The Contract owner may select from three annuity payment options. In the event that an annuitant who is not the owner dies prior to the maturity date, a death benefit is payable upon receipt of due proof of death as well as proof that the annuitant died prior to the maturity date. The death benefit is equal to the greater of the Contract account value on the date of receipt of due proof of death or the premiums paid, less partial withdrawals including applicable surrender charges. In the event that the owner dies prior to the maturity date, the beneficiary is entitled to receive a death benefit equal to the Contract account value as of the date of receipt of due proof of death (to be distributed to the beneficiary within five years after the owner's death).

5. Providentmutual will deduct an annual contract maintenance charge of $30 per Contract year. This charge will be deducted from the Contract account value on each Contract anniversary prior to and including the maturity date (and upon a full surrender or on the maturity date if other than a Contract anniversary) to compensate Providentmutual for the administrative services provided to Contract owners. This charge is guaranteed not to increase for the duration of the Contract. Applicants represent that this charge will be deducted in reliance on Rule 26a-1 under the 1940 Act and represents reimbursement only for administration costs expected to be incurred over the life of the Contract. Providentmutual does not anticipate any profit from this charge. No administration charge is payable during the annuity period.

6. In order to permit investment of the entire premium payment (less any applicable premium taxes), Providentmutual currently does not

deduct sales charges at the time of investment. However, a contingent deferred sales charges of up to 6% of the amount withdrawn is imposed on certain full surrenders or partial withdrawals of Contract account value during the first six Contract years to cover expenses relating to the sales of the Contracts, including commissions to registered representatives and other promotional expenses. The aggregate contingent deferred sales charges are guaranteed never to exceed 8.5% of the premium payments.

7. Providentmutual will impose a daily charge to compensate it for bearing certain mortality and expense risks in connection with the Contracts. This charge is equal to an effective annual rate of 1.10% of the value of the net assets in the Account. Of that amount approximately .50% is attributable to mortality risk, and approximately .60% is attributable to expense risks. The Contracts, however, reserve for Providentmutual the right to raise this charge up to an annual rate of 1.25% of the value of the net assets of the Account. Providentmutual guarantees that this charge will never exceed 1.25%. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risks, the loss will fall on Providentmutual. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to Providentmutual. Providentmutual currently anticipates a profit from this charge.

8. The mortality risk borne by Providentmutual arises from its contractual obligation to make annuity payments (determined in accordance with the annuity tables and other provisions contained in the Contract) regardless of how long annuitants or any individual annuitant may live. This undertaking assures that neither an annuitant's own longevity, nor an improvement in general life expectancy, will adversely affect the monthly annuity payments that the annuitant will receive under the Contract. The expense risk assumed by Providentmutual is the risk that Providentmutual's actual administration costs will exceed the amount recovered through the Contract maintenance charge. Providentmutual also incurs a risk in connection with the death benefit guarantee. On the annuitant's death, Providentmutual will pay the greater of (a) the Contract account value, or (b) premium payments (net of withdrawals, including applicable surrender charges). There is no extra charge for this guarantee. Providentmutual does not anticipate that the contingent deferred sales charges will generate sufficient revenues to pay the cost of distributing the Contracts. If these charges are insufficient to cover the expenses, the deficiency will be met from Providentmutual's general account assets, which may include amounts derived from the charge for mortality and expense risks.

9. Providentmutual will impose a $25 charge under the Contracts for the fifth and each subsequent transfer request made by the Contract owner during a single Contract year. Providentmutual does not anticipate any profit from this charge.

10. Applicants request that the Commission, pursuant to section 6(c) of the 1940 Act, grant the exemptions from sections 26(a)(2) and 27(c)(2) in connection with Applicants' assessment of the daily charge for mortality and expense risks. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

11. Applicants submit that Providentmutual is entitled to reasonable compensation for its assumption of mortality and expense risks. Applicants represent that the charge of up to 1.25% under the Contracts made for mortality and expense risks is consistent with the protection of investors because it is a reasonable and proper insurance charge. The mortality and expense risk charge is a reasonable charge to compensate Providentmutual for the risk that annuitants under the Contracts will live longer as a group than has been anticipated in setting the annuity rates guaranteed in the Contracts; for the risk that Contract value will be less than the death benefit; and for the risk that administrative expenses will be greater than amounts derived from the Contract maintenance charge.

12. Providentmutual represents that the charge of 1.25% for mortality and expense risks assumed by Providentmutual is within the range of industry practice with respect to comparable annuity products. This representation is based upon Providentmutual's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. Providentmutual will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

13. Applicants acknowledge that the proceeds of surrender charges may be insufficient to cover all costs relating to the distribution of the Contracts. Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses not reimbursed by the sales charge. Providentmutual has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Account and the Contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Providentmutual at its administrative offices and will be available to the Commission.

14. Providentmutual also represents that the Account will only invest in management investment companies which undertake, in the event such company adopts a plan under rule 12b-1 to finance distribution expenses, to have a board of directors (or trustees) a majority of whom are not interested persons of the company, formulate and approve any such plan under rule 12b-1.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-311 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18462; 811-1620]

Vance Sanders Special Fund; Notice of Application

December 31, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Vance Sanders Special Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks and order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on August 5, 1991, and an amendment to the application was filed on December 23, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing.

Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 27, 1992, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272-3026, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulations).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Application's Representations

1. Applicant is an open-end diversified investment company that was organized as a business trust under the laws of Massachusetts. On November 13, 1968, applicant registered under the Act and filed a notification of registration pursuant to section 8(b) of the Act. A registration statement under the Securities Act of 1933 was filed on March 19, 1968. The registration statement was declared effective on November 12, 1968, and the initial public offering commenced soon thereafter.

2. At a meeting held on Februray 25, 1991, applicant's board of trustees adopted a plan of reorganization (the "Plan") in reliance on rule 17a-8 under the Act. On or about May 1, 1991, applicant mailed proxy materials to its shareholders, who approved the Plan at a special shareholders' meeting held on June 7, 1991.

3. On June 24, 1991, pursuant to the Plan, applicant transferred all of its assets and liabilities to Eaton Vance Growth Fund ("Fund") in exchange for shares of beneficial interest of Growth Fund on a *pro rata* basis. The transfer of applicant's assets in exchange for shares of Growth Fund was based on the relative net asset value of Growth Fund and applicant.

4. Applicant and Growth Fund each assumed its own expenses in connection with the reorganization. Applicant bore expenses totalling approximately $60,000, including legal ($31,200), audit ($12,000), and printing ($12,800) expenses.

5. A reserve in the amount of $44,770 was established to cover all obligations and liabilities of applicant that were not assumed by Growth Fund. Most of the reserve has been used to pay accrued expenses of applicant that had not been paid as of June 24, 1991. As of December 20, 1991 a balance of $14,440 existed, representing approximately the amount still owed for certain legal services.

6. There are nor securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant was terminated as a Massachusetts business trust on June 24, 1991 pursuant to a Termination of Trust filed with the Secretary of State of the Commonwealth of Massachusetts.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-314 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18460; 812-7777]

Zweig Series Trust, et al.; Notice of Application

December 31, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Zweig Series Trust (the "Trust"), Zweig/Glaser Advisers (the "Adviser"), Zweig Securities Corp. (the "Distributor"), and any future series of the Trust that will issue multiple classes of shares which are identical in all material respects to the classes described in this notice, and any open-end management company established or acquired in the future by the Adviser, or any affiliated person of the Adviser, as defined in section 2(a)(3) of the Act, that is part of the same group of investment companies (as defined in rule 11a-3 under the Act) as the Trust and that issues multiple classes of shares that are identical in all material respects to the classes described in this notice.

RELEVANT ACT SECTIONS: Exemption requested pursuant to section 6(c) from the provisions of sections 2(a)(32), 2(a)(35), 18(f), 18(g), 18(i), 22(c) and 22(d) of the Act and rule 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order to permit each series of the Trust to sell two classes of securities for the purpose of establishing a dual distribution system, and each series of the Trust to assess a contingent deferred sales charge ("SDSC") on certain redemptions of a class of their securities. The classes would be identical in all respects except for differences relating to distribution expenses, voting rights relating to rule 12b-1 plans, the imposition of front-end loads and contingent deferred sales loads, different exchange privileges, and the description of each class of shares.

FILING DATE: The application was filed on August 21, 1991, and amended on December 10, December 20, and December 27, 1991. Applicant's counsel has stated that an additional amendment, the substance of which is incorporated herein, will be filed during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 27, 1992, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 5 Hanover Square, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272-3026, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is a diversified open-end management investment company registered under the Act which was organized as a business trust under the laws of the Commonwealth of Massachusetts. The Adviser serves as the Trust's investment adviser and the Distributor acts as principal underwriter of the Trust's shares. The Trust presently offers five series of shares: Money Market Series, Government Securities Series, Priority Selection List Series, Zweig Strategy Fund, and Zweig Appreciation Fund (the "Series"). Shares of the Series are currently offered at net asset value plus a front-end sales charge, except for the Money Market Series, which imposes no sales charge. A sixth series of the Trust, Zweig Global Bond Fund, became effective on September 20, 1991, but has not yet commenced operations. The Trust pays the Distributor a distribution fee under a plan adopted pursuant to rule 12b-1 under the Act (the "Rule 12b-1 Plan").

2. Applicants propose to establish a dual distribution system (the "Dual Distribution System"). If the requested relief is granted, each Series of the Trust will create a new class of shares, designated Class B (the "Class B Shares"). The shares currently offered will be designated Class A (the "Class A Shares") and will continue to be offered in accordance with the terms of purchase described in the Trust's current prospectus. The classes will each represent interests in the same portfolio of securities of the Trust and will be identical except that (a) Class A Shares will pay a front-end sales charge (except for the Money Market Class A Shares) and Class B Shares will be subject to a CDSC of 1.25% of the net asset value of shares redeemed within one year of their purchase (no CDSC will be imposed on redemptions thereafter); (b) Class B Shares will be subject to a higher rule 12b-1 distribution fee (except for shares of the Money Market Series) and a service fee; (c) Class B Shares will be subject to higher transfer agency costs and any other incremental expenses resulting from the different sales charge arrangement subsequently identified which shall be approved by the Commission; (d) each class will vote separately as a class with respect to the Series' 12b-1 Plans; and (e) the two classes will have different exchange privileges.

3. With respect to the Class A Shares (except Money Market Class A Shares), an investor will purchase such shares at net asset value plus a sliding scale front-end sales charge. The front-end sales charge is currently waived for certain purchases, including those by or on behalf of any officer, director, trustee, account executive or full-time employee (or a spouse or child of any such person) of the Trust, the Adviser, the Distributor, or any company affiliated with the Adviser or Distributor, or by or on behalf of any employee (or a spouse or child of any employee) of any National Association of Securities Dealers ("NASD") member. The waivers are contingent upon the shares not being redeemed within 90 days of their purchase. If the shares are redeemed within 90 days of their purchase, the Trust will impose a CDSC.[1] Class A Shares will pay to the Distributor a distribution fee at an annual rate of .30% of the average daily net asset value of the Class A Shares pursuant to the Trust's Rule 12b-1 Plan. Shares of each Series of the Trust that were purchased prior to the implementation of the Dual Distribution System will be designated Class A Shares.

4. The Class B Shares are designed to permit the investor to purchase shares of the Series without the assessment of a front-end sales charge (except for the Money Market Series) and at the same time permit the Distributor to pay financial intermediaries a commission on the sale of the Class B Shares. Class B Shares of the Priority Selection List Series, Zweig Strategy Fund, and Zweig Appreciation Fund will pay the Distributor a distribution fee pursuant to the Trust's Rule 12b-1 Plan at a rate of .75% per annum. Class B Shares of Government Securities will pay a distribution fee of .50% per annum and Class B Shares of Money Market Series will pay a distribution fee of .05% per annum. Class B will bear a service fee of .25% per annum of the average daily net assets of such Class. The service fees are payments made to a NASD member for the provision of personal, continuing service to investors similar to account maintenance fees.

5. An investor's proceeds from redemption of Class B Shares may be subject to a CDSC of 1.25% of the net asset value of shares redeemed within one year of their purchase. The CDSC will only be imposed on redemptions of Class B Shares which were purchased less than one year (the "CDSC Period") prior to their redemption; no CDSC will be imposed thereafter. Further, no CDSC will be imposed on shares derived from reinvestment of dividends or capital gains distributions, or on amounts which represent an increase in the value of the shareholder's account resulting from capital appreciation above the amount paid for shares purchases during the CDSC Period. In determining whether a CDSC is applicable, it will be assumed that a redemption is made first of shares derived from reinvestment of dividends and capital gain distributions or shares representing capital appreciation, second of shares purchased prior to the CDSC Period, and third of shares purchased during the CDSC Period.

6. The Trust had previously received orders from the Commission in connection with its CDSC. *See* Investment Company Act Release Nos. 17493 (May 16, 1990), 16277 (Feb. 18, 1988), 15368 (Oct. 20, 1986), and 14343 (January 30, 1985).

7. Applicants request relief to permit them to waive the CDSC on redemptions following the death of a shareholder, or in the event that a shareholder becomes unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. Applicants also request relief to permit them to waive the CDSC when a total or partial redemption is made in connection with distributions from Individual Retirement Accounts ("IRAs"), or other qualified retirement plans: (a) In connection with a lump-sum or other distribution following retirement or, in the case of an IRA, Keogh Plan, or a custodial account pursuant to section 403(b)(7) of the Internal Revenue Code of 1986, as amended (the "Code"), upon the investor's attaining age 59½ or (b) on any redemption which results from the tax-free return of an excess contribution pursuant to section 408(d)(4) or (5) of the Code, or from the death or disability of the employee. Finally, applicants request relief to permit them to waive the CDSC on redemptions from qualified pension or profit-sharing plans arising in connection with the termination of the beneficial owner's employment and the transfer of assets from such plans to a new plan maintained by the beneficial owner's new employer; and in whole or in part, in connection with shares purchased by or on behalf of any officer, director, trustee, account executive or full-time employee (or a spouse or child of any such person) of the Trust, the Adviser, the Distributor or any company affiliated with the Adviser or Distributor, or by or on behalf of any employee (or a spouse or child of any employee) of any NASD member. If the

[1] The staff of the Division of Investment Management notes that the Trust previously received an order to impose the CDSC. *See Zweig Series Trust*, Investment Company Act Release No. 17440 (April 17, 1990).

Trustees determine to discontinue the waiver of the CDSC, the disclosure in the Trust's prospectus will be appropriately revised. Any Class B Shares purchased prior to the determination of such waiver will have the CDSC waived as provided in the Trust's prospectus at the time of the purchase of the shares.

8. Proceeds from the Class B Shares' distribution fees and the CDSC will be used to compensate financial intermediaries (except for sales of Class B Shares for which a waiver of the CDSC is applicable at the time or purchase). Proceeds from the distribution fee and CDSC in the case of Class B Shares also will be used to defray the expenses of the Distributor with respect to providing distribution related services, including commissions.

9. The Distributor will furnish the Trustees of the Trust (the "Trustees") with quarterly and annual statements of distribution revenues and expenditures (the "Statements"), in accordance with the requirements of paragraph (b)(3)(ii) of rule 12b–1, to enable the Trustees to make the findings required by paragraphs (d) and (e) of rule 12b–1. In the Statements, only distribution expenditures properly attributable to the sale of a particular class will be used to justify the distribution fee charged to that class.

10. The decision as to whether a particular distribution expenditure or category of distribution expenditures is properly attributable to the sale of a particular class or to the sale of both classes of shares (and thus allocated to each class of shares in accordance with the method described above) will be subject to the review and approval of the Trustees. The Statements will disclose whether the distribution expenditures listed are attributable to the sale of a particular class or to the sale of both classes of shares.

11. Class A Shares of a Series will be exchangeable only for Class A Shares of the other Series, and Class B Shares will be exchangeable only for Class B Shares of the other Series. The applicable exchange privileges will be in compliance with rule 11a–3 under the Act.

12. Except for the differences described above, the Class A Shares and Class B Shares of the Series will have identical voting, dividend, liquidation and other rights, and the same terms and conditions. All expenses incurred by each Series will be borne on a pro rata basis by each outstanding class of shares except for the expenses of the distribution plan and incremental transfer agency costs. Because of the additional expenses that will be borne solely by Class B Shares, the net income attributable to and the dividends payable on Class B Shares will be lower than the net income attributable to and the dividends payable on Class A Shares. The net asset value of the Class A Shares (except for Money Market Series Class A Shares) will be higher initially than the net asset value of the Class B Shares, and the net asset value per share of the two classes will continue to diverge over time (except in the case of the Money Market Series).

13. Gross income and expenses will be allocated daily to each class of shares based on the net assets pertaining to the class at the beginning of the day. Since differing rule 12b–1 fees will be charged to the two classes of shares, separate net asset values will be calculated for each class of shares. Net asset value will be determined by dividing the net assets applicable to a specific class by the number of shares outstanding in that class. Dividends paid by any Series with respect to Class A and Class B Shares will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except for expenses solely attributable to one class.

Applicants' Legal Analysis

1. Applicants state that the Dual Distribution System will both facilitate the distribution of shares by the Trust and provide investors with a broader choice of methods for financing the purchase of shares. Applicants assert that competitive pressures in the distribution channels make it desirable to offer services adapted to meet the particular needs of specific groups of investors. Further, applicants assert that it would be inefficient and economically and operationally infeasible to continually organize separate portfolios to meet these competitive situations. Moreover, owners of both classes may be relieved of a portion of the fixed costs normally associated with open-end management investment companies since such costs would potentially be spread over a greater number of shares than would otherwise be the case.

2. The proposed Dual Distribution System does not create the potential for the abuses that section 18 was designed to redress. The proposed arrangement will not increase the speculative character of the shares of each Series of the Trust. The proposal does not involve borrowings, and all shares will participate pro rata in each Series' total income and expenses, with the exception of the differing rule 12b–1 distribution fees and transfer agency costs.

3. Both classes of shares will be redeemable at all times and no class of shares will have any preference or priority over any other class in the Series in the usual sense; that is, no class will have distribution or liquidation preferences with respect to particular assets, no class will have any right to require that lapsed dividends be paid before dividends are declared on the other class, and no class will be protected by any reserve or other account.

4. The interests of the two classes of shares as to the advisory fees of the Trust are the same and are not in conflict because these fees are used solely to compensate the Adviser for providing management and advisory services that are common to all investors. Further, the Trustees must analyze the reasonableness of the advisory fee and the distribution fee under the standards defined by section 36(b) of the Act. Thus, the interests of each class of shareholders will be protected.

5. The proposed allocation of expenses and voting rights relating to the Rule 12b–1 Plans is equitable and will not discriminate against either group of shareholders. Investors purchasing Class A Shares will bear a proportionately lower share of the Series' distribution expenses and transfer agency costs than holders of the Class B Shares. However, each class will vote separately as a class with respect to that Series' rule 12b–1 distribution plan.

6. Applicants believe that the imposition of the CDSC on the Class B Shares is fair and in the best interests of the Trust's sharedollars. The proposed Dual Distribution System permits Class B shareholders (except for Money Market Series Class B Shareholders) to have the advantage of greater investment dollars working for them the time of the purchase than if a sales charge were imposed at the time or purchase, as is the case with the Class A Shares. Furthermore, the CSDC is fair to Class B shareholders because it applies only to amounts representing purchase payments and does not apply to increases in the value of an investor's account through capital appreciation, or to amounts representing reinvestment of dividends and capital gains distributions.

7. Applicants also believe that the imposition of the CDSC is appropriate in the light of the relationship between the CDSC and the Trust's Rule 12b–1 Plan. Applicants believes that when amounts attributable to Class B Shares are redeemed prior to the expiration of the

CDSC period, and thus no longer contribute to the annual distribution fee, it is fair to impose on the withdrawing Class B shareholders a lump sum payment reflecting expenses that have not been recovered through payments by such Series. As noted above, the proceeds from the CDSC will reduce the amount of distribution expenses which must be borne by the remaining shares.

Applicants' Conditions

Applicants agree that the following conditions may be imposed in any order of the Commission granting the requested relief:

A. Conditions Relating to the Dual Distribution System

1. The Class A and Class B Shares will represent interests in the same portfolio of investments of each Series, and be identical in all respects, except as set forth below. The only differences between Class A and Class B Shares of the same Series will relate solely to: (a) The impact of the respective rule 12b–1 Plan payments and the service fee imposed on Class B Shares made by each of the Class A and Class B Shares of a Series, any incremental transfer agency costs paid by the Class A and Class B Shares of a Series resulting from the Class A and Class B Shares sales arrangements, and any other incremental expenses subsequently identified that should be properly allocated to one class which shall be approved by the Commission pursuant to an amended order, (b) voting rights on matters which pertain to each Series' rule 12b–1 Plan, (c) the different exchange privileges of the Class A and Class B Shares as described in the prospectus (and as more fully described in the statement of additional information) of the Trust, and (d) the description of each class of shares of each Series.

2. The Trustees, including a majority of the independent Trustees, will approve the Dual Distribution System. The minutes of the meetings of the Trustees regarding the deliberations of the Trustees with respect to the approvals necessary to implement the Dual Distribution System will reflect in detail the reasons for determining that the proposed Dual Distribution System is in the best interests of both the Trust and its shareholders.

3. On an ongoing basis, the Trustees, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor each Series for the existence of any material conflicts between the interests of the two classes of shares. The Trustees, including a majority of the independent Trustees, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Adviser and the Distributor will be responsible for reporting any potential or existing conflicts to the Trustees. If a conflict arises, the Adviser and the Distributor at their own cost will remedy such conflict up to and including establishing a new registered management investment company.

4. Any rule 12b–1 Plan adopted or amended to permit the assessment of a rule 12b–1 fee on any class of shares which has not had its rule 12b–1 Plan approved by the public shareholders of that class will be submitted to the public shareholders of such class for approval at the next meeting of shareholders after the initial issuance of the class of shares. Such meeting will be held within sixteen months of the date that the registration statement relating to such class first becomes effective or, if applicable, the date that the amendment to the registration statement necessary to offer such class first becomes effective.

5. The Trustees will receive quarterly and annual statements concerning distribution expenditures complying with paragraph (b)(3)(ii) of rule 12b–1, as amended from time to time. In the statements, only expenditures properly attributable to the sale of Class A or Class B Shares, respectively, or to the provision of services to holders of such shares, will be used to justify any fee attributable to such class. Expenditures not related to the sale of Class A or Class B Shares, or to services provided to holders of such shares, will not be presented to the Trustees to justify any fee attributable to such class. The statements, including the allocations upon which they are based, will be subject to the review and approval of the independent Trustees in the exercise of their fiduciary duties.

6. Dividends paid by each Series with respect to its Class A and Class B Shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except that distribution and/or service fee payments made by a Series under its rule 12b–1 Plan for Class A or Class B Shares, and any incremental transfer agency costs relating to Class A and Class B Shares, will be borne exclusively by the respective class.

7. The methodology and procedures for calculating the net asset value and dividend/distributions of the Class A and Class B Shares, and the proper allocation of expenses between those classes, have been reviewed by the Expert who has rendered a report to applicants, which has been provided to the staff of the Commission, which states that the methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made under the Dual Distribution System and, based upon such review, will render at least annually a report to the Trust that the calculations are being made properly. The reports of the Expert shall be filed as part of the periodic reports filed with the Commission pursuant to sections 30(a) and 30(b)(1) of the Act. The work papers of the Expert with respect to such reports, following request by the Trust (which the Trust agrees to provide), will be available for inspection by the Commission staff upon the written request to the Trust for such work papers by a senior member of the Division of Investment Management, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Expert is a "Special Purpose" report on the "Design of a System" and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests," as defined and described in SAS No. 44 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

8. The Trust has adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividends and distributions of the classes of shares and the proper allocation of expenses between the classes of shares. This representation has been concurred with by the Expert in the initial report referred in condition (7) above and will be concurred with the Expert, or an appropriate substitute Expert, on an ongoing basis at least annually in the ongoing reports referred to in condition (7) above. Applicants will take immediate corrective measures if this representation is not concurred in by the Expert or appropriate substitute Expert.

9. The prospectus of the Trust will include a statement to the effect that a salesperson and any other person entitled to receive compensation for

selling shares of the Trust may receive different compensation for selling Class A or Class B Shares.

10. The Distributor will adopt compliance standards as to when Class A and Class B Shares may appropriately be sold to particular investors. Applicants will require all persons selling Class A or Class B Shares to agree to conform to such standards.

11. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the Trustees with respect to the Dual Distribution System will be set forth in guidelines that will be furnished to the Trustees.

12. Each Series will disclose its respective expenses, performance data, distribution arrangements, services, fees, sales charges, deferred sales charges, and exchange privileges applicable to each class of shares in the Trust's prospectus, regardless of whether all classes of shares are offered through each prospectus. Each Series will disclose its respective expenses and performance data applicable to all classes of shares in every shareholder report. To the extent advertisements or sales literature describe the expenses or performance data applicable to any class of shares of any Series, it will also disclose the respective expenses and/or performance data applicable to all classes of shares of such Series. Similarly, the information provided by the Trust to any newspaper or similar listing of each Series' net asset values and public offering prices will separately present the Class A and Class B Shares.

13. Applicants acknowledge that the grant of the exemptive order requested by this application will not imply Commission approval, authorization or acquiescence in any particular level of payments that each Series may make pursuant to their rule 12b-1 distribution plan in reliance on the exemptive order.

B. Condition Relating to the CDSC

1. Applicants will comply with the provisions of proposed rule 6c-10 under the Act, as such rule is currently proposed and as it may be reproposed, adopted or amended.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-312 Filed 1-7-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

San Diego International Airport-Lindbergh Field, San Diego, CA; Environmental Impact Statement

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared and considered for a proposal to incorporate an Immediate Action Program (IAP) consisting of the development of improved airport facilities at the San Diego International Airport-Lindbergh Field. To ensure that all significant issues, related to the proposed action, are identified, a public scoping meeting will be held.

DATES: Comments must be received at the address below on or before Friday, January 31, 1992.

ADDRESSES: Comments may be mailed or delivered in duplicate to the FAA at the following address: Federal Aviation Administration, Western-Pacific Region, 15000 Aviation Boulevard, Hawthorne, California 90261, Mail Address: P. O. Box 92007, Worldway Postal Center, Los Angeles, California 9009-2007.

FOR FURTHER INFORMATION CONTACT: Mr. William T. Johnstone (AWP 611.3), Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007, (telephone 310/297-1621).

SUPPLEMENTARY INFORMATION: The FAA, in cooperation with the San Diego Unified Port District, will prepare an EIS based on an Environmental Assessment for the IAP. The following projects will be evaluated in the EIS:

—Passenger terminal Expansion
—New aircraft gates
—Airport automobile parking and roadway improvements
—Aircraft fuel storage expansion

Comments and suggestions are invited from Federal, State and local agencies, and other interested parties to ensure that the full range of issues related to these proposed projects are addressed and all significant issues identified. Comments and suggestions may be mailed to the FAA informational contact listed above.

The objective of the project is the development of facilities consistent with project near term (5 year) growth of airport traffic.

Alternative

The existing configuration of the airport precludes reorientation of the runways or relocation to different portions of the airport. Therefore, the alternative to the proposed projects is the "No Action" alternative.

Public Scoping Meeting

To effect scoping, the FAA hereby solicits comments for consideration and possible incorporation in the Draft EIS. To ensure that the full range of issues related to these proposed projects are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Interested parties are invited to attend a scoping meeting will be held Wednesday, January 8, 1992, at 2 p.m. in the San Diego Unified Port District Administration Building, 3165 Pacific Highway, San Diego, California.

Documents related to the proposed action that may be useful in defining issues and concerns may be reviewed at the following location: District Clerk's Office, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

Issued in Hawthrone, California on December 31, 1991.

Ellsworth L. Chan,

Acting Manager, Airports Division, AWP-600, Western-Pacific Region.

[FR Doc. 92-334 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Task Force 1, GNSS Implementation Task Force; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., appendix I), notice is hereby given for the first meeting of Task Force 1 to be held January 13, 1992, at the Software Productivity Consortium, 2214 Rockhill Road, Herndon, Virginia, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks and discussion of task force organization, approach and milestones; (2) FAA perspective on early implementation of GNSS; (3) Working group chairmen's perspectives; (a) Responsibilities; (b) Organization and approach; (c) Milestones; (4) Other business; (5) Date and place of working group meetings.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral

statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 30, 1991.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-345 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 170, Minimum Operational Performance Standards for Automatic Dependent Surveillance (ADS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., appendix I), notice is hereby given for the fourth meeting of Special Committee 170 to be held January 22-24, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 9 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of minutes of the third meeting held on October 2-4, 1991, RTCA paper no. 505-91/SC170-22 (previously distributed); (3) Review of Timing Working Group recommendations; (4) Review progress in defining the Context Manager; (5) Review of other tasks assigned during previous meeting; (6) Continue development of draft Minimum Operational Performance Standards for Automatic Dependent Surveillance (ADS) (in preparation); (7) Review of test procedures; (8) Assignment of tasks; (9) Other business; (10) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 20, 1991.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-347 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 168; Lithium Batteries: Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., appendix I), notice is hereby given for the fifth meeting of Special Committee 168 to be held January 27-29, 1992, in the RTCA conference room, 1140 Connecticut Avenue NW., suite 1020, Washington, DC 20036, commencing at 1 p.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of the fourth meeting's minutes, RTCA paper No. 545-91/SC168-34; (3) Technical presentations; (4) Report of working groups; (5) Review of material preparatory to a first draft of the MOPS; (6) Working group sessions; (7) Assignment of tasks; (8) Other business; (9) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 19, 1991.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-348 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

Hattiesburg-Laurel Regional Airport, Hattiesburg, MS; Intent to Rule on Application

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Intent to Rule on Application to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at the Hattiesburg-Laurel Regional Airport, Hattiesburg, Mississippi.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Hattiesburg-Laurel Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and 14 CFR part 158.

On December 24, 1991, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Hattiesburg-Laurel Regional Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 20, 1992.

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

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA/Airports District Office, 120 North Hangar Drive, suite B, Jackson, Mississippi 39208-2306.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Michael C. Moon, Executive Director of the Hattiesburg-Laurel Regional Airport Authority, at the following address: Hattiesburg-Laurel Regional Airport Authority, 1002 Terminal Drive, Moselle, Mississippi 39459.

Comments from air carriers and foreign air carriers may be in the same form as provided to the Hattiesburg-Laurel Regional Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Elton E. Jay, Principal Engineer, FAA/Airports District Office, 120 North Hangar Drive, suite B, Jackson, Mississippi 39208-2306; telephone number (601) 965-4628. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: July 1, 1992.

Proposed charge expiration date: June 30, 1997.

Total estimated PFC revenue: $119,153.00.

Brief description of proposed project(s): Overlay and groove Runway 18-36; overlay parallel and connecting taxiways and general aviation apron.

AVAILABILITY OF APPLICATION: Any person may inspect the application in person at the FAA office listed above. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the office of the Hattiesburg-Laurel Regional Airport Authority.

Issued in Atlanta, Georgia, on December 30, 1991.

Stephen A. Brill,

Manager, Airports Division, Southern Region.

[FR Doc. 92-346 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

Petition for Exemption or Waiver of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received from the Soo Line Railroad Company a request for exemptions from or waivers of compliance with a requirement of Federal rail safety standards. The petition is described below, including the regulatory provisions involved, and the nature of the relief being requested.

Soo Line Railroad Company

[Waiver Petition Docket Number PB-91-6]

The Soo Line Railroad Company (SOO) is seeking a waiver of compliance from § 232.12 of the Railroad Power Brakes and Drawbars Regulations, 49 CFR part 232. The SOO is requesting that it be permitted to move a train to clear a public highway/rail crossing prior to making the initial terminal air brake test. In assembling trains at Nahant, Iowa, it is necessary that Concord Road, a public highway, be blocked while performing the initial terminal air brake test. The SOO is requesting that it be permitted to move the train approximately 3,000 feet at a speed of less than 10 mph to clear the road prior to the test.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number PB-91-6) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before February 10, 1992, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) in room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC on December 19, 1991.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 92-325 Filed 1-7-92; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

January 2, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0204.
Form Number: ATF F 5110.38.
Type of Review: Extension.
Title: Formula for Distilled Spirits Under the Federal Alcohol Administration Act (Supplemental).
Description: ATF F 5110.38 is used to determine the classification of distilled spirits for labeling and for consumer protection. The form describes the person filing, type of product to be made, and restrictions to the labeling and manufacture. The form is used by ATF to ensure that a product is made and labeled properly and to audit distilled spirits operations.
Respondents: Small businesses or organizations.
Estimated Number of Respondents: 200.
Estimated Burden Hours Per Respondent: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 4,000 hours.

OMB Number: 1512-0469.
Form Number: None.
Type of Review: Extension.
Title: Labeling of Sulfites in Alcoholic Beverages.
Description: In a final rule published in the Federal Register on July 9, 1986 (51 FR 34706) the Food and Drug Administration established 10 parts per million as the threshold for declaration of sulfites in Food and wine products. The Bureau of Alcohol, Tobacco and Firearms on September 30, 1986 published a final rule (ATF-236) (51 FR 34706) establishing the same threshold for declaration of sulfites in alcoholic beverages.
Respondents: Business or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 4,787.
Estimated Burden Hours Per Respondent: 40 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 3,159 hours.

OMB Number: 1512-0482.
Form Number: ATF REC 5100/1.
Type of Review: Extension.
Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act.
Description: Under the Federal Alcohol Administration Act, bottlers and importers of alcohol beverages are required to display certain information for consumers on labels and in advertisements. Other optional statements are also required.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 6,060.
Estimated Burden Hours Per Respondent: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 1 hour.

Clearance Officer: Robert N. Hogarth (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-369 Filed 1-7-92; 8:45 am]

BILLING CODE 4810-31-M

Public Information Collection Requirements Submitted to OMB for Review.

January 2, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1143.

Form Number: IRS Form 706GS(D-1).

Type of Review: Revision.

Title: Notification of Distribution From a Generation-Skipping Trust.

Description: Form 706GS(D-1) is used by trustees to notify the IRS and distributees of information needed by distributees to compute the Federal GST tax imposed by Internal Revenue Code (IRC) section 2601. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 80,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 1 hour, 33 minutes

Learning about the form or the law: 1 hour, 41 minutes

Preparing the form: 41 minutes

Copying, assembling, and sending the form to IRS: 20 minutes

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 340,800 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Department Reports Management Officer.

[FR Doc. 92-370 Filed 1-7-92; 8:45 am]

BILLING CODE 4830-01-M

Designation of Securities for Exemption Under the Securities Exchange Act of 1934

AGENCY: Departmental Offices; Department of the Treasury.

ACTION: Notice of designation by the Secretary of the Treasury of debt obligations issued by banks of the Farm Credit System as exempt under the Securities Exchange Act of 1934.

SUMMARY: This designation updates existing designations to allow for changes in the structure of the Farm Credit System under amendments to the Farm Credit Act of 1971. It encompasses all obligations issued by the banks of the Farm Credit System that are authorized to be issued under subsections 4.2(c), (d), and (e), as amended, of the Farm Credit Act of 1971.

EFFECTIVE DATE: January 8, 1992.

FOR FURTHER INFORMATION CONTACT: Jill K. Ouseley, Director, Office of Market Finance; room 2209, Main Treasury, Washington, DC 20220, (202) 566-8741.

SUPPLEMENTARY INFORMATION: Subsection 3(a)(12) of the 1934 Act (15 U.S.C. 78c(a)(12)), as amended, provides in part that the term "exempted security" or "exempted securities" includes "government securities, as defined in paragraph (42) of this subsection." The Government Securities Act of 1986, Public Law No. 99-571, 100 Stat. 3208 (1986), in part amends the 1934 Act to add a new subparagraph to section 3(a) defining government securities to include "securities which are issued or guaranteed by corporations in which the United States has a direct or indirect interest and which are designated by the Secretary of the Treasury for exemption as necessary or appropriate in the public interest or for the protection of investors." Public Law No. 99-571, section 102 (adding subsection 3(a)(42)(B), 15 U.S.C. section 78c(a)(42)(B)).

This is a notice of the designation by the Secretary of the Treasury of debt obligations issued by the banks of the Farm Credit System as exempted securities, and therefore as government securities, for the purposes of the 1934 Act. Whereas existing designations are specific as to the issuing banks and types of securities, this designation covers any debt obligations that the banks of the Farm Credit System are authorized to issue under subsections 4.2(c), (d), and (e), as amended, of the Farm Credit Act of 1971 (12 U.S.C. subsections 2153(c), (d), and (e)).

The generic form of this designation provides flexibility to allow for changes in the structure of the Farm Credit System that are authorized or mandated under amendments to the Farm Credit Act of 1971. It also provides flexibility for Farm Credit System banks to utilize the full range of securities authorized under subsections 4.2(c), (d), and (e), as amended, of the Farm Credit Act of 1971, whereas the existing designations are for particular types of securities. The existing designations remain in effect.

The existing designations are listed in a notice listing instruments previously exempted under the Securities Exchange Act of 1934, published in the **Federal Register** for October 16, 1987 (52 FR 38,559). For additional information regarding securities designated by the Treasury, interested parties should refer to the full text of the designations cited in the October 16, 1987 **Federal Register.**

Dated: December 3, 1991.

Jerome H. Powell,

Assistant Secretary (Domestic Finance).

[FR Doc. 92-296 Filed 1-7-92; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on January 8 in room 600, 301 4th Street SW., Washington, DC from 10 a.m. to 12:30 p.m.

At 10 a.m. the Commission will meet with Mr. David Hitchcock, Director, Office of East Asian and Pacific Affairs, for an overview of public diplomacy in East Asia. At 10:45 Mr. Alberto Mora, General Counsel, will discuss the functions of legal adviser to the U.S. Information Agency. At 11:30 the Commission will hear from Mr. Greg Lagana, Public Affairs Officers, Quito, Ecuador, and Ms. Anne Stenzel, Andean Desk Officer, USIA, on the roles of Agency PAOs and desk officers.

FOR FURTHER INFORMATION: Please call Gloria Kalamets, (202) 619-4468, if you are interested in attending the meeting. Space is limited and entrance to the building is controlled.

Dated: January 3, 1992.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 92-500 Filed 1-6—92; 12:13 pm]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 5
Wednesday, January 8, 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).

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Section 552b of Title 5, United States Code, that a meeting of the Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, January 30, 1992.

The Commission was established pursuant to Public Law 99-647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 7:00 P.M. at the City Council Chambers, Pawtucket City Hall, 137 Roosevelt Avenue, Pawtucket, Rhode Island for the following reasons:

1. Report on Pawtucket Activities as Relates to the National Heritage Corridor
2. Discussion of the Heritage Corridor Interpretive Plan
3. Update on the Blackstone Valley Bikeway
4. Discussion of Criteria for Special Development Projects
5. Public Comment Period

It is anticipated that about twenty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: James Pepper, Executive Director, Blackstone River Valley National Heritage Corridor Commission, P.O. Box 34, Uxbridge, MA 01569. Telephone: (508) 278-9400.

Further information concerning this meeting may be obtained from James Pepper, Executive Director of the Commission at the address below.

Nancy L. Brittain,

Acting Executive Director, Blackstone River Valley National Heritage Corridor Commission.

[FR Doc. 92-486 Filed 1-6-92; 1:26 pm]

BILLING CODE 4310-70-M

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

TIME AND DATE: January 12, 1992 from 2:00 p.m. to 6:00 p.m. and January 13, 1992 from 9:00 a.m. to 4:00 p.m.

PLACE: University Place Conference Center and Hotel, 850 West Michigan Street, Indianapolis, Indiana.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Board of Directors of the Commission on National and Community Service will meet on January 12-13, 1992 to discuss strategies, priorities and final regulations to implement the National and Community Service Act of 1990. The public is invited to address the Board from 4:30 to 6:00 p.m. on January 12th, with a focus on Title E of the Act and the proposed Technical Assistance meetings and from 3:00 to 4:00 p.m. on January 13th, with a focus on evaluation and the final regulations and applications. Statements may not exceed 3 minutes, although supplementary written material may be provided. Please provide at least 28 copies of any such materials, either in advance or at the meeting. To request a time slot for the public comment period, please send a request in writing to the Commission on National and Community Service, 529 14th Street NW (Suite 428), Washington, D.C. 20045. Request must be received no later than the close of business, January 10, 1992. Any remaining time during the public comment periods will be made available for others who submit request to the Commission on January 12th between 2:00 and 4:30 p.m. at a place in the University Place Conference Center and Hotel to be designated at the meeting.

CONTACT PERSON FOR MORE INFORMATION: Terry Russell, General Counsel, Commission on National and Community Service, 529 14th Street NW. (Suite 428), Washington, DC 20045, (202) 724-0600.

Catherine Milton,

Executive Director, Commission on National and Community Service.

[FR Doc. 92-569 Filed 1-6-92; 3:48 pm]

BILLING CODE 6820-BA-M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the Board's meeting described below. The Board will also conduct a public hearing pursuant to 42 U.S.C. 2286b and invites any interested persons or groups to present any comments, technical information, or data concerning the Department of Energy's Operational Readiness Review and other matters related to the resumptions of operations in Building 559 at the Rocky Flats Plant.

TIME AND DATE: 1:30 p.m. January 16, 1992—Department of Energy presentations; 6:30 p.m.—Opportunity for interested persons to present oral comments concerning the matters to be considered.

PLACE: Building 1 Auditorium, Department of Commerce, 325 Broadway, Boulder, Colorado.

STATUS: Open.

MATTERS TO BE CONSIDERED: The open public meeting and hearing will address the Department of Energy's Operational Readiness Review and other matters related to the resumption of operations in Building 559 at the Rocky Flats Plant. The public hearing portion is independently authorized by 42 U.S.C. 2286b.

FOR MORE INFORMATION CONTACT: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004, (202) 208-6400 (FTS 268-6400). This is not a toll free number.

SUPPLEMENTARY INFORMATION: On August 24, 1991, the Defense Nuclear Facilities Safety Board conducted a hearing on the operational readiness review (ORR) for Rocky Flats Building 559. Upon review of the record of that hearing and other information supplied by the Department of Energy (DOE), the Board concluded that the ORR was inadequate and premature. The Board set forth its concerns in Recommendations 91-4, issued September 30, 1991 (56 FR 50711, Oct. 8, 1991).

DOE has undertaken to correct the ORR deficiencies. DOE representatives will meet with the public at Rocky Flats to discuss the ORR for Building 559 on January 6, 1992. The Board has been informed by DOE that copies of the final ORR report for this building will be made available to the public at that time. The Board has decided that it should also conduct an additional public meeting and hearing on the ORR for Building 559.

Requests to speak at the hearing may be submitted in writing or by telephone. We ask that commentators describe the nature and scope of the oral presentation. Those who contact the Board prior to close of business on January 14, 1992, will be scheduled for time slots, beginning at approximately 6:30 p.m. The Board will post a schedule for those speakers who have contacted the Board before the hearing. The posting will be made at the entrance to the Meeting Room, at the start of the 1:30 p.m. meeting.

Anyone who wishes to comment, provide technical information or data may do so in writing, either in lieu of, or in addition to making an oral presentation. The Board members may question presenters to the extent deemed appropriate. The Board will hold the record open until January 21, 1992, for the receipt of additional materials. A transcript of the meeting will be made available by the Board for inspection by the public at the Defense Nuclear Facilities Safety Board's Washington office and at the DOE's Reading Room at Front Range Community College, 3645 West 112 Avenue, Westminster, CO 80030.

The Board specifically reserves its right to further schedule and otherwise regulate the course of the meeting and hearing, to recess, reconvene, postpone, or adjourn the meeting, and otherwise exercise its powers as provided by law.

At this meeting, the Board will review with the Department of Energy, its contractors, and outside experts the DOE's Operational Readiness Review and other technical issues pertaining to the resumption of operations in Building 559 at the Rocky Flats Plant. The Department of Energy will take appropriate measures to safeguard any classified or controlled nuclear information it presents at this meeting.

Dated: January 6, 1992.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 92-562 Filed 1-6-92; 3:45 pm]

BILLING CODE 6820-KD-M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m. Thursday, January 9, 1992.

PLACE: Board Room Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The Board will consider the following:

1. Approval of December Board Minutes
2. Approval of Resolution for Ronald Morphew
3. Bank Presidents, Vice Chairman and Remaining District Board Appointments
4. Advances Issues
5. 1992 Priorities

The above matters are exempt under one or more of sections 552b(c)(2), (6), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (6), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408-2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 92-457 Filed 1-6-92; 9:04 am]

BILLING CODE 6725-01-M

FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Friday, January 3, 1992, 57 FR 310.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, January 8, 1992.

CHANGES IN THE MEETING: The open meeting has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: January 6, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-474 Filed 1-6-92; 10:43 am]

BILLING CODE 6210-01-M

RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on January 14, 1992, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Backlog Reductions (Task Force Report/ Administrative Finality)
(2) Taxation Memos to the Board
(3) Internal Revenue Service Interagency and Other Issues
(4) RRB Medicare Contract
(5) Regulations—Parts 202 and 301, Employers Under the Railroad Retirement Act and Railroad Unemployment Insurance Act
(6) Regulations—Part 203, Employees Under the Act
(7) Regulations—Part 230, Reduction and Non-Payment of Annuities by Reason of Work

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312-751-4920, FTS No. 386-4920.

Dated: January 3, 1992.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 92-568 Filed 1-6-92; 3:47 pm]

BILLING CODE 7905-01-M

Corrections

Federal Register
Vol. 57, No. 5
Wednesday, January 8, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; TIL-1]

Truth in Lending; Update to Official Staff Commentary

Correction

In the issue of Thursday, January 2, 1992, on page 81, in the correction of rule document 91-7888, in the second column, the first line now reading "**§ 226.9 [Corrected]**" should read "**Supplement I to part 226 [Corrected]**".

BILLING CODE 1505-01-D

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 900

[91-643]

Description of Organization and Functions

Correction

In rule document 91-31004 beginning on page 67155 in the issue of Monday, December 30, 1991, make the following correction:

§ 900.53 [Corrected]

On page 67158, in the third column, the second section, "**§ 900.52 Official Seal.**" should read "**§ 900.53 Official Seal.**"

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[BPD-679-NC]

RIN 0938-AE78

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1991

Correction

In notice document 91-29362, beginning on page 64256, in the issue of Monday, December 9, 1991, make the following corrections:

1. On page 64256, in the second column, under **DATES:**, in the second paragraph, in the last line, "1991." should read "1992."

2. On the same page, in the same column, under **ADDRESSES:**, in the fifth line, "PBD" should read "BPD".

3. On page 64269, in the second column, the file line at the end of the document should read "FR Doc. 91-29362".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 1417-91]

RIN 1115-AC72

Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act

Correction

In rule document 91-28552, beginning on page 61111, in the issue of Monday, December 2, 1991, make the following corrections:

§ 214.2 [Corrected]

1. On page 61127, in the first column, in paragraph 5., in the first line, "(h)(2)(v)(E)" should read "(h)(4)(v)(E)".

2. On the same page, in the same column, in paragraph 8., in the second line, "revising" should read "removing".

BILLING CODE 1505-01-D / Corrections

federal register

Wednesday
January 8, 1992

Part II

Department of Health and Human Services

Alcohol, Drug Abuse, and Mental Health Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, ADAMHA, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

FOR FURTHER INFORMATION CONTACT: Denise L. Goss, Program Assistant, Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857; tel.: (301) 443-6014.

SUPPLEMENTARY INFORMATION: Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of NIDA certification are not to be considered as meeting the minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

AccuTox Analytical Laboratory, 427 Fifth Avenue NW., Attalla, AL 35954-0770, 205-538-0012.

Aegis Analytical Laboratories, Inc., 624 Grassmere Park Road, Suite 21, Nashville, TN 37211, 615-331-5300

Alabama Reference Laboratories, Inc., 543 South Hull Street, Montgomery, AL 36103, 800-541-4931/205-263-5745

American Medical Laboratories, Inc., 11091 Main Street, P.O. Box 188, Fairfax, VA 22030, 703-691-9100

Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, Suite 250, Las Vegas, NV 89119-5412, 702-733-7866

Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801-583-2787

Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414-355-4444/800-877-7016

Bellin Hospital-Toxicology Laboratory, 2789 Allied Street, Green Bay, WI 54304, 414-496-2487

Bioran Medical Laboratory, 415 Massachusetts Avenue, Cambridge, MA 02139, 617-547-8900

Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305-325-5810

Center for Human Toxicology, 417 Wakara Way-Room 290, University Research Park, Salt Lake City, UT 84108, 801-581-5117

Columbia Biomedical Laboratory, Inc., 4700 Forest Drive, Suite 200, Columbia, SC 29206, 800-848-4245/803-782-2700

Clinical Pathology Facility, Inc., 711 Bingham Street, Pittsburgh, PA 15203, 412-488-7500

Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800-445-6917

CompuChem Laboratories, Inc., 3308 Chapel Hill/Nelson Hwy., P.O. Box 12652, Research Triangle Park, NC 27709, 919-549-826/800-833-3984

Continental Bio-Clinical Laboratory Service, Inc., A MetPath Laboratory, 2740 28th Street, SW., Grand Rapids, MI 49509, 800-777-0706/616-538-6700

Cox Medical Centers, Department of Toxicology, 1423 North Jefferson Avenue, Springfield, MO 65802, 800-876-3652/417-836-3093

Damon Clinical Laboratories, 140 East Ryan Road, Oak Creek, WI 53154, 800-365-3840 (name changed: formerly Chem-Bio Corporation; CBC Clinilab)

Damon Clinical Laboratories, 8300 Esters Blvd., Suite 900, Irving, TX 75063, 214-929-0535

Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904-787-9006

Drug Labs of Texas, 15201 I 10 East, Suite 125, Channelview, TX 77530, 713-457-3784

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310

Eagle Forensic Laboratory, Inc., 950 North Federal Highway, Suite 308, Pompano Beach, FL 33062, 305-946-4324

Eastern Laboratories, Ltd., 95 Seaview Boulevard, Port Washington, NY 11050, 516-625-9800

ElSohly Laboratories, Inc., 1215½ Jackson Ave., Oxford, MS 38655, 601-236-2609

Employee Health Assurance Group, 405 Alderson Street, Schofield, WI 54476, 800-627-8200 (name change: formerly Alpha Medical Laboratory, Inc.)

General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608-267-6267

Laboratory of Pathology of Seattle, Inc., 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206-386-2672

Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504-392-7961

Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 800-533-1710/507-284-3631

Med-Chek Laboratories, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, 412-931-7200

MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901-795-1515

MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 9176 Independence Avenue, Chatsworth, CA 91311, 818-718-0115/800-331-8670 (outside CA)/800-464-7081 (inside CA), (name changed: formerly Laboratory Specialists, Inc., Abused Drug Laboratories)

MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 2356 North Lincoln Avenue, Chicago, IL 60614, 312-880-6900 (name changed: formerly Bio-Analytical Technologies)

MedTox Laboratories, Inc., 402 W. County Road D, St Paul, MN 55112, 612-636-7466/800-832-3244

Methodist Hospital of Indiana, Inc., Department of Pathology and Laboratory Medicine, 1701 North Senate Boulevard, Indianapolis, IN 46202, 317-929-3587 317-929-2314

Methodist Medical Center Toxicology Laboratory, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 800-752-1835/309-671-5199

MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708-595-3888

MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201-393-5000

MetWest-BPL Toxicology Laboratory, 18700 Oxnard Street, Tarzana, CA 91356, 800-492-0800/818-343-8191

National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 410-536-1485 (name changed: formerly Maryland Medical Laboratory, Inc.)

National Drug Assessment Corporation, 5419 South Western, Oklahoma City, OK 73109, 800-749-3784 (name changed: formerly Med Arts Lab)

National Health Laboratories Incorporated, 13900 Park Center Road, Herndon, VA 22071, 703-742-3100/800-572-3734 (inside VA)/800-336-0391 (outside VA)

National Health Laboratories Incorporated, d.b.a. National Reference Laboratory, Substance Abuse Division, 1400 Donelson Pike, Suite A-15, Nashville, TN 37217, 615-360-3992/800-800-4522

National Health Laboratories Incorporated, 2540 Empire Drive, Winston-Salem, NC

27103-6710, 919-760-4620/800-334-8627 (outside NC)/800-642-0894 (inside NC)

National Psychopharmacology Laboratory, Inc., 9320 Park W. Boulevard, Knoxville, TN 37923, 800-251-9492

National Toxicology Laboratories, Inc., 1100 California Avenue, Bakersfield, CA 93304, 805-322-4250

Nichols Institute Substance Abuse Testing (NISAT), 8985 Balboa Avenue, San Diego, CA 92123, 800-446-4728/619-694-5050 (name changed: formerly Nichols Institute)

Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800-322-3361

Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Avenue, Eugene, OR 97440-0972, 503-687-2134

Parke DeWatt Laboratories, Division of Comprehensive Medical Systems, Inc., 1810 Frontage Rd., Northbrook, IL 60062, 708-480-4680

Pathlab, Inc., 16 Concord, El Paso, TX 79906, 800-999-7284

Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509-926-2400

PDLA, Inc., 100 Corporate Court, So. Plainfield, NJ 07080, 908-769-8500/800-237-7352

PharmChem Laboratories, Inc., 1505-A O'Brien Drive, Menlo Park, CA 94025, 415-328-6200/800-446-5177

Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619-279-2600

Precision Analytical Laboratories, Inc., 13300 Blanco Road, Suite #150, San Antonio, TX 78216, 512-493-3211

Puckett Laboratory, 4200 Mamie Street, Hattiesburgh, MS 39402, 601-264-3856/800-844-8378

Regional Toxicology Services, 15305 N.E. 40th Street, Redmond, WA 98052, 206-882-3400

Roche Biomedical Laboratories, 1801 First Avenue South, Birmingham, AL 35233, 205-581-3537

Roche Biomedical Laboratories. 1957 Lakeside Parkway, Suite 542, Tucker, GA 30084, 404-939-4811

Roche Biomedical Laboratories, Inc., 1912 Alexander Drive, P.O. Box 13973, Research Triangle Park, NC 27709, 919-361-7770

Roche Biomedical Laboratories, Inc., 69 First Avenue, Raritan, NJ 08869, 800-437-4986

Roche Biomedical Laboratories, Inc., 1120 Stateline Road, Southaven, MS 38671, 601-342-1286

Scott & White Drug Testing Laboratory, 600 South 25th Street, Temple, TX 76504, 800-749-3788

S.E.D. Medical Laboratories, 500 Walter NE Suite 500, Albuquerque, NM 87102, 505-848-8800

Sierra Nevada Laboratories, Inc., 888 Willow Street, Reno, NV 89502, 800-648-5472

SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91045, 818-376-2520

SmithKline Beecham Clinical Laboratories, 3175 Presidential Drive, Atlanta, GA 30340, 404-934-9205 (name changed: formerly SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories, 506 E. State Parkway, Schaumburg, IL 60173, 708-885-2010 (name changed: formerly International Toxicology Laboratories)

SmithKline Beecham Clinical Laboratories, 11636 Administration Drive, St. Louis, MO 63146, 314-567-3905

SmithKline Beecham Clinical Laboratories, 400 Egypt Road, Norristown, PA 19403, 800-523-5447 (name changed: formerly SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214-638-1301 (name changed: formerly SmithKline Bio-Science Laboratories)

South Bend Medical Foundation, Inc., 530 North Lafayette Boulevard, South Bend, IN 46601, 219-234-4176

Southgate Medical Services, Inc., 21100 Southgate Park Boulevard, Cleveland, OH 44137-3054, 800-338-0166 outside OH/800-362-8913 inside OH (name changed: formerly Southgate Medical Laboratory)

St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 North Lee Street, Oklahoma City, OK 73102, 405-272-7052

St. Louis University Forensic Toxicology Laboratory, 1205 Carr Lane, St. Louis, MO 63104, 314-577-8628

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 314-882-1273

Toxicology Testing Service, Inc., 5426 N.W. 79th Avenue, Miami, FL 33166, 305-593-2260

Charles R. Schuster,

Director, National Institute on Drug Abuse.

[FR Doc. 92-567 Filed 1-7-92; 8:45 am]

BILLING CODE 4160-20-M

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LIST OF PUBLIC LAWS

Note: The List of Public Laws for the first session of the 102d Congress has been completed and will be resumed when bills are enacted into public law during the second session of the 102d Congress, which convenes on January 3, 1992. A cumulative list of Public Laws for the first session was published in Part II of the **Federal Register** on January 2, 1992.