2-25-92
Vol. 57 No. 37
Pages 6457-6552

federal register

Tuesday
February 25, 1992

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

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 242, 264, 274a, 299

[INS No. 1414-91]

RIN 1115-AC39

Applicant Processing for Family Unity Benefits

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: On August 30, 1991, the Service published a proposed rule, at 56 FR 42948, to implement the provisions of the new Family Unity Program created by section 301 of the Immigration Act of 1990, Public Law 101-649. The provisions would allow temporary stay of deportation and work authorization for certain eligible immigrants. For the proposed regulations the comment period ended on September 30, 1991. In drafting this interim rule, the Service has considered the comments submitted in response to the proposed rule. The Service is publishing an interim regulation at this time so that the public might comment on provisions that are new or different from those contained in the proposed rule.

DATES: This interim rule is effective October 1, 1991. Written comments must be submitted on or before March 26, 1992.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., room 5304, Washington, DC 20536-0002. To ensure proper handling, please reference INS number 1414-91 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Jack Hartsoch, Office of Service Center Operations, Immigration and Naturalization Service, 425 I Street NW., room 4014, Washington, DC 20536, telephone (202) 514-5309.

SUPPLEMENTARY INFORMATION: On November 29, 1990, the Immigration Act of 1990, Public Law 101-649, was enacted. Section 301 provides for relief from deportation, and the granting of employment authorization, to an eligible immigrant who is the spouse or unmarried child of a legalized alien holding temporary or permanent residence pursuant to sections 210 or 245A of the Immigration and Nationality Act, or permanent residence under section 202 of the Immigration Reform and Control Act of 1986 (Cuban/Haitian Adjustment). This new program supersedes the administrative Family Fairness Program.

Comments

The discussion that follows summarizes the comments submitted in response to the proposed rule and explains the revisions adopted in the interim rule.

Personal Checks as Payment

Numerous commenters asserted that the Service's decision not to accept personal checks to pay the Family Unity Program application fee would be burdensome.

The regulations have been revised to provide for the acceptance of personal checks consistent with § 103 of this chapter, which outlines general filing requirements that apply to applications and petitions.

Legalization Application Pending as of May 5, 1988

Several commenters asked the Service to clarify whether a legalization application pending on May 5, 1988 and later granted can be the basis of benefits for the legalized alien's spouse and children under the Family Unity Program.

This rule has been revised to clarify that an alien whose legalization application was filed on or before May 5, 1988 but not approved until after that date will be treated as having been a legalized alien as of May 5, 1988 for purposes of the Family Unity Program. However, a spouse or child of a person with a legalization application filed but not decided on May 5, 1988 is ineligible to apply for benefits under the Family Unity Program until the legalization application is approved.

Common Law Marriages

Numerous commenters asserted that common-law marriages that are recognized by state law should also be recognized for the purpose of the Family Unity Program.

Common-law marriages, in those states where such marriages are recognized, can be a basis for family-sponsored immigrant classification. Eligibility for benefits under the Family Unity Program is based on the principles governing eligibility for family-sponsored second preference classification. Therefore, the interim regulation uses the same rules with regard to common-law marriages as those that apply to immigrant relative visa petitions.

Continuing Relationship to a Legalized Alien

Many commenters asserted that once eligibility for benefits under the Family Unity Program is initially established, benefits should not be lost merely because a marriage ends or because a child turns twenty-one or marries.

Under the statute the required relationship to a legalized alien must have existed on May 5, 1988. The issue is whether that relationship must continue in order for eligibility to continue, or whether the alien granted benefits under the Family Unity Program should be allowed to retain those benefits even if the required relationship ends.

The purpose of the Family Unity Program is to provide a transition for specified family members of legalized aliens to family-sponsored second preference immigrant status. This is evident not only from section 301, but also from its interrelationship with section 112, which created up to an additional 55,000 visa numbers in fiscal years 1992, 1993, and 1994 for spouses and children of eligible legalized aliens under the family-sponsored second preference classification.

If benefits under the Family Unity Program were retained even after a required relationship ended by divorce of death, and the person became ineligible for family-sponsored second preference classification, the alien could

potentially remain in the Family Unity Program without a means to become a permanent resident. This would go far beyond Congress's intent for the program, and would be inconsistent with section 205 of the Immigration and Nationality Act.

In essence there are two issues that must be addressed when determining whether a person's relationship to a legalized alien can be a basis for eligibility under the Family Unity Program. The first issue is whether the person was the spouse or unmarried child of the legalized alien as of May 5, 1988. The statute establishes this cut-off date. Any relationship established after that date cannot confer eligibility under the Family Unity Program.

Since the purpose of the statute is to provide a transition for certain family members of legalized aliens to family-sponsored second preference immigrant status, the second issue is whether the alien applying for benefits under the Family Unity Program continues to qualify for family-sponsored second preference classification based on the relationship which confers eligibility under the Family Unity Program.

Therefore, if the legalized alien's marriage has ended, the former spouse cannot retain benefits under the Family Unity Program: under these circumstances, he or she would not be qualified to make the transition to family-sponsored second preference immigrant status. For the same reason, if the legalized alien's child marries, he or she cannot retain benefits under the Family Unity Program.

However, the unmarried child of a legalized alien does not lose benefits under the Family Unity Program on reaching the age of twenty-one. Because section 101(b)(1) of the Immigration and Nationality Act defines a "child" as an unmarried child under the age of twenty-one, to qualify under the Family Unity Program the child of a legalized alien must have been unmarried and under twenty-one as of May 5, 1988. Yet family-sponsored second preference status is available to the "unmarried son or unmarried daughter" (who has since reached age twenty-one) as well as to the unmarried "child" (who is under twenty-one) of a legalized alien. Because the Family Unity Program is designed to facilitate transition to second preference immigrant status, a person who was an unmarried child of a legalized alien on May 5, 1988 does not lose benefits under the Family Unity Program solely for having turned twenty-one after May 5, 1988. The rule has been revised to so specify.

In essence this regulation applies the same rules to the Family Unity Program as those that apply to persons with approved family-sponsored immigrant petitions in similar circumstances. If a marriage to a petitioner ends by divorce or death, or the unmarried son or daughter of a lawful permanent resident petitioner marries, approval of an immigrant petition based upon that relationship is revoked, and that petition may no longer be used as a basis for immigration. This is consistent with 8 CFR § 205.

To further clarify that this program is based on family-sponsored second preference eligibility, the rule has also been modified to provide for denial of an extension of family unity benefits where an immigrant relative petition for family-sponsored second preference classification has not been filed by the legalized alien. The Service will notify the alien of the reason for the denial and afford him or her the opportunity to file another Application for Voluntary Departure under the Family Unity Program, Form I-817 once the Immigrant Petition for Relative, Fiance(e) or Orphan, Form I-130, has been filed in his or her behalf. The service will withhold a charging document for a period of 90 days for such denial. The termination provisions have also been revised to terminate family unity benefits where such a petition is denied because it is determined that the required relationship does not exist.

Filing Requirements

Many commenters requested that the Service not reject of deny an application because of filing errors. Some commenters also asked the Service to allow more time to submit additional information and documents that have been requested by the Service and to allow more time to submit a response to a notice of termination.

Again, to ensure consistency with application procedures for other Service programs, these provisions have been revised so that the general requirements and procedures for applications and petitions in 8 CFR part 103 and §§ 264.1(a), 299.1, and 299.5 will govern.

Fees

One commenter requested that the Service operate the program without charging a fee. Numerous other commenters asked for a family cap of $225.

The Service cannot dispense with the fee entirely because it will inevitably incur costs in administering the Family Unity Program. If it does not recover these costs by charging the appropriate fee, it would have to divert financial resources from its other programs. Failing to create an essentially self-sufficient Family Unity Program, therefore, could unfairly transfer costs of this program to applicants for other Service programs.

The Service has, however, adopted the suggestion to place a family cap on application fees. The Family Unity Program was designed to create a path to immigrant status for members of the families of legalized aliens. A special family cap was placed on the application fees of aliens when they applied for legalization. The Service has decided in this case to follow this similar family fee policy because the Family Unity Program stems directly from the Legalization Program. Under the interim rule, the maximum amount payable by the members of a family filing their applications concurrently will be $225.00. The Service will require the usual fee from any person filing an application for benefits under the Family Unity Program at a different time than the other members of that person's family. As stated above, the Service is taking this action for reasons specific to the Family Unity Program, and the action does not relate to any other fee structure or to any other category of applicant or petitioner.

Commenters also asked the Service to reconsider the fee for an application to extend voluntary departure under the program.

The Service anticipates that many aliens will not require an extension because they will acquire status as a lawful permanent resident alien through other provisions of law. This will be accelerated by the operation of section 112 of the Immigration Act of 1990, which created up to 55,000 additional visa numbers for fiscal years 1992, 1993, and 1994 to speed the transition of spouses and minor children of legalized aliens.

However, the Service acknowledges that some family unity aliens will need extensions. The Service determined not to waive or reduce the fee for those persons who would require extensions, partly because such fees would be necessary to help meet the operational costs of reviewing continuing eligibility and providing extensions. Furthermore, requiring the same fee for both initial applications and applications for an extension would address a potential source of confusion. If an alien would mistakenly regard the initial application for benefits under the Family Unity Program as an application to extend benefits under the former Family Fairness Program, and then would mark the initial application as one for an extension, the Service examiner could easily correct the mistake and move

forward with the application. If the fee for an extension differed from an initial application fee, the examiner would have to return the application for resubmission with the correct fee. This would slow the application process for both the Service and the applicant. Therefore, the Service will not eliminate or reduce the application fee for extensions.

Nevertheless, in keeping with the reasoning related to the initial filing, the Service will provide a family cap of $225.00 for family members filing concurrently for extensions. Any member of a family filing an application for extended benefits under the Family Unity Program subsequent to such filing by other family members will be required to submit a separate fee.

Section 103.7(b)(1) is revised to provide for a fee, consistent with 31 U.S.C. 9701 and the guidelines of the Office of Management and Budget in OMB Circular A-25, for an application for an initial grant of Family Unity Program benefits and for an application to extend Family Unity Program benefits.

Entry Before May 5, 1988

Several commenters asserted that the proposed definition of "entered into the United States before May 5, 1988" was confusing and erroneously linked "parole" with the term "entered". In order to avoid confusion, and because the key term "entry" is defined at section 101(a)(13) of the Immigration and Nationality Act, the Service has removed the proposed definition from the rule.

Deportability Versus Excludability

A number of commenters requested that the rule be clarified to state that ineligibility for benefits under the Family Unity Program is based on an alien's deportability, and not on excludability. The regulation has been revised to clarify that ineligibility is based on the deportation grounds specified in the enabling legislation.

Waivers

Many commenters, referring to waivers allowed in connection with the Legalization Program, asked the Service to allow waivers of applicable grounds of deportation for "humanitarian purposes, family unity, or public interest."

Specific waiver provisions were included in the Immigration Reform and Control Act of 1986, Public Law 99-603, which created the Legalization Program. No such language exists in the Family Unity Program enabling legislation. Thus, no statutory basis exists for the Service to incorporate the broader Legalization waiver standards into the Family Unity Program.

Further, the Family Unity Program cannot be equated with the Legalization Program in this regard. The Legalization Program contains all of its own requirements for each phase of the process. In the Family Unity Program the alien must also meet requirements imposed under a separate provision of law, since the Family Unity Program is designed to facilitate transition to second preference family-sponsored immigrant status. To permit an alien to enter the program by waiving a ground of deportability that could not be waived when the alien applied for immigrant status would go beyond Congress's intent for the program by conferring program benefits on an alien who could not then make the transition to immigrant status.

Unlimited Stay of Deportation

One commenter asked that the regulations be revised to provide for an unlimited stay of deportation. However, this would fail to account for the situation in which an alien loses eligibility for Family Unity Program benefits or becomes deportable. Therefore, a fixed period of voluntary departure is warranted, as opposed to an unlimited stay of deportation. Moreover, the extension process allows the Service to assess continuing Family Unity Program eligibility. To be consistent with this principle, and to avoid redundancy, the Service has deleted the proposed revision of 8 CFR 243.4, which would have established stay of deportation procedures in connection with the Family Unity Program.

Employment Authorization

Many commenters asserted that the enabling legislation mandates employment authorization for those granted Family Unity Program benefits. A number of commenters also asked the Service not to charge a fee for the issuance of an employment authorization document.

In the interim rule, the proposed revision of section 274a of this chapter has been changed to reflect that employment authorization stems from the grant of voluntary departure under the program. The alien need not apply for authorization under section 274a.12(c) of this chapter. However, as with most categories of aliens authorized to work as an incident of their status, the alien must obtain an employment authorization document by filing an Application for Employment Authorization, Form I-765. This documentary requirement is necessary as part of the Service's efforts to prohibit the unlawful employment of aliens, and the Service must charge the standard fee in order to recover the costs of authorizing employment in connection with the Family Unity Program.

Many commenters also requested that interim work authorization be granted for the time period between the granting of an application and the issuance of the employment authorization document (EAD).

This issue does not relate simply to the Family Unity Program but to all employment matters. The Service has taken steps to establish a uniform employment authorization process for all its programs. To create a special exception or different document for the Family Unity Program would be inconsistent with these efforts. Furthermore, any form of interim work authorization would be less secure and would present problems to federal, state, and local agencies and to educational institutions and employers

Voluntary Departure Under Section 242.5

Many commenters asserted that where a family unity application is denied, consistent with 8 CFR part 103, the regulations should require mandatory consideration of voluntary departure separately under 8 CFR 242.5. There is no statutory basis for such an automatic procedure, nor is one desirable. Consideration of a request for voluntary departure under 8 CFR 242.5 requires information different from that contained in an application under the Family Unity Program. Creating the suggested mechanism thus would unnecessarily burden both the applicant and the Service. In any case, a person denied benefits under the Family Unity Program may request voluntary departure outside that program under 8 CFR 242.5 at his or her option.

Appeals

Several commenters suggested modifications to the procedures by which an alien could appeal a denial of benefits under the Family Unity Program.

After review, however, the Service has eliminated the proposed administrative appeal procedure. First, there is no statutory instruction to create such a procedure within the Family Unity Program, as there is, for example, within the Temporary Protected Status Program at section 224A(b)(5)(B) of the Immigration and Nationality Act. Second, § 242.6(e)(3) of the rule provides

an automatic ninety-day delay between the denial of an alien's initial application under the program and the referral of the decision for enforcement action. This delay is designed to create an opportunity for renewed consideration of the alien's claim to benefits under a process that will likely prove both faster and less expensive than the appeal procedure would have been.

This revised process would be more effective in several ways. First, it is faster for the Service to process another application than it is for the administrative appeals unit to review the case. This is important because employment authorization would not be granted during a review process. Second, the cost of resubmitting an I-817 application ($75) is lower than the cost of filing an administrative appeal ($110). The Service has therefore concluded that the benefits of the more streamline reapplication process outweigh those of the proposed administrative appeal procedure. In this case, the applicant also has the opportunity to seek judicial review if the reapplication process is ultimately unsuccessful.

Orders to Show Cause

Many commenters asked the Service to limit the issuance of Orders to Show Cause (OSC) to "egregious" cases. However, the Service must fulfill its enforcement responsibilities as outlined in the Immigration and Nationality Act. Therefore, this provision remains unchanged.

Advance Parole

Several commenters expressed concern over such possible consequences of advance parole as exclusion and loss of the possibility of future suspension of deportation, and urged the Service to change its position on this matter. Section 304 of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Public Law 102-232 modifies this policy. Pursuant to this provision, an alien in the program who leaves the United States with advance authorization, and who is not excludable on a ground referred to in section 301(a)(1) of the Immigration Act of 1990 when he or she returns, shall be inspected and admitted in the same immigration condition the alien had at the time of departure. Thus the alien will continue to be ineligible to adjust status under section 245 of the Immigration and Nationality Act, since voluntary departure is not a "status" under the Act. The alien will obtain authorization using the advance parole mechanism, form I-131, Application for Travel Document. Upon his or her return to the U.S., however, the alien will not be paroled, but instead will be reinstated to voluntary departure under the Family Unity Program.

Effect of Loss of Legalization Status

One commenter asked that the Service clarify the effect on a person granted benefits under the Family Unity Program if the legalized alien on whose status those benefits were based has lost status as a legalized alien.

The regulations have been clarified to indicate that Family Unity Program benefits would be terminated in such a case because the requisite relationship to a legalized alien would no longer exist.

Automatic Termination of Benefits

Section 242.6(g) is reserved for the future publication of a proposed rule to allow for the automatic termination of Family Unity Program benefits of aliens for whom a final order of deportation or exclusion has been entered subsequent to a grant of program benefits.

The Service has retained in this interim rule the provision which pertains to termination after notice. An alien will be given notice of the Service's intent to terminate his or her benefits under the Family Unity Program and will be given 30 days to respond to the basis for the intended termination and may submit additional evidence to the Service in rebuttal. This provision is also consistent with the provision found at 8 CFR 205.2 pertaining to revocation of approval of immigrant petitions under section 203 of the Immigration and Nationality Act.

Miscellaneous Revisions

In addition to those discussed above, the Service has made certain revisions to the proposed rule in order to avoid duplication of other provisions of this chapter, the Immigration and Nationality Act, as amended, or other applicable statutes. For example, the proposed definitions of the terms "felony" and "misdemeanor" have been removed from the rule because the terms are defined elsewhere, at 18 U.S.C. 1. Likewise, all references to Form I-94, Nonimmigrant Visa Waiver Arrival Departure Form, have been removed, since a Form I-94 will not be issued for those receiving benefits under the Family Unity Program. Rather, approval for such benefits will be reflected on Form I-797 Notice of Action.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting preparation of a Federalism Assessment in accordance with E.O. 12612.

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

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 242

Administrative practice and procedure, Aliens, Crime.

8 CFR Part 243

Administrative practice and procedure, Aliens, Deportation, Reporting and recordkeeping requirements.

8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

8 CFR Part 274a

Administrative Practice and Procedure, Aliens, Employment, Reporting and recordkeeping requirements.

8 CFR Part 299

Immigration, Reporting and recordkeeping requirements.

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

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

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

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

2. In section 103.7 paragraph (b)(1) is amended by adding in proper numerical sequence the following form:

§ 103.7 Fees.

* * * * *

(b) * * *
(1) * * *
Form I-817. For filing application for voluntary departure under the Family Unity Program—$75.00. The maximum amount payable by the members of a family filing their applications concurrently shall be $225.00.
* * * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

3. The authority citation for part 242 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1186a, 1252; 8 CFR part 2.

4. In part 242, a new section 242.6 is added to read as follows:

§ 242.6 Family Unity Program.

(a) *General.* Except as otherwise specifically provided in paragraph (b) of this section, the definitions contained in the Immigration and Nationality Act shall apply to the administration of this section.

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

Eligible immigrant means a qualified immigrant who is the spouse or unmarried child of a legalized alien.

Legalized alien means an alien who:

(1) Is a temporary or permanent resident under section 210 or 245A of the Immigration and Nationality Act; or

(2) Is a permanent resident under section 202 of the Immigration Reform and Control Act of 1986 (Cuban/Haitian Adjustment).

(c) *Eligibility*—(1) *General.* An alien who is not a lawful permanent resident is eligible to apply for benefits under the Family Unity Program if he or she establishes:

(i) That he or she entered the United States on or before May 5, 1988, and has been residing in the United States since that date; and

(ii) That on May 5, 1988, he or she was the spouse or unmarried child of a legalized alien, and that he or she has been eligible continuously since that time for family-sponsored second preference immigrant status under section 203(a)(2) of the Immigration and Nationality Act based on the same relationship.

(2) *Legalization application pending as of May 5, 1988.* An alien whose legalization application was filed on or before May 5, 1988 but not approved until after that date will be treated as having been a legalized alien as of May 5, 1988 for purposes of the Family Unity Program.

(d) *Ineligible aliens.* The following categories of aliens are ineligible for benefits under the Family Unity Program:

(1) An alien who is deportable under any paragraph in section 241(a) of the Act, except paragraphs (1)(A), (1)(B), (1)(C)(i), (1)(D), and (3); *provided that* an alien who is deportable under paragraph (1)(A) is also ineligible for benefits under the Family Unity Program if deportability is based upon an exclusion ground described in section 212(a), paragraphs (2)(A), (2)(B), (2)(C), (3)(A), (3)(B), (3)(C), (3)(D) or (3)(E) of the Act;

(2) An alien who has been convicted of a felony or three or more misdemeanors in the United States; or

(3) An alien described in section 243(h)(2) of the Immigration and Nationality Act.

(e) *Filing*—(1) *General.* An application for voluntary departure under the Family Unit Program must be filed at the Service Center having jurisdiction over the alien's place of residence, on Form I-817, Application for Voluntary Departure under the Family Unity Program, along with the fee required in § 103.7 of this chapter and the initial evidence required on the application form. A separate application must be filed by each person claiming eligibility.

(2) *Decision.* Jurisdiction to decide an application for benefits under the Family Unity Program lies exclusively with the Service Center director. The director will provide the applicant with specific reasons for any decision to deny an application. Denial of an application may not be appealed. An applicant who believes that the grounds for denial have been overcome may submit another application with the appropriate fee and evidence.

(3) *Referral of denied cases for consideration of issuance of Order to Show Cause.* If an application is denied, the case will be referred to the district director with jurisdiction over the alien's place of residence for consideration of whether to issue an Order to Show Cause (OSC). The first case denied for an applicant will not be referred for an OSC until 90 days from the date of the denial, to allow the alien the opportunity to file a new I-817 application in order to attempt to overcome the basis of the denial.

(4) *Grant of voluntary departure.* An alien whose application for benefits under the Family Unity Program is granted will receive a two-year period of voluntary departure. The two-year period will begin on the date the Service grants the application.

(5) *Employment authorization.* An alien granted benefits under the Family Unity Program is authorized to be employed in the United States and may apply for an employment authorization document on Form I-765, Application for Employment Authorization. The application must be filed with the district director having jurisdiction over the alien's place of residence. The application must be accompanied by the correct fee required by §103.7 of this chapter. The alien must present Form I-797, Notice of Action, reflecting the grant of voluntary departure under the Family Unity Program, and a document issued by a legitimate agency of the United States or a foreign government which reasonably establishes the alien's identity, along with his or her application. The validity period of the employment authorization will coincide with the period of voluntary departure.

(6) *Travel.* An alien granted family unity benefits who intends to travel outside the United States and then return must apply for advance authorization using Form I-131, Application for Travel Document. The authority to grant an application for advance authorization for an alien granted family unity benefits rests solely with the district director. An alien who is granted advance authorization and returns to the United States in accordance with such authorization, and who is found not to be excludable on a ground of exclusion referred to in section 301(a)(1) of the Immigration Act of 1990, shall be inspected and admitted in the same immigration condition the alien had at the time of departure for the remainder of the two-year period granted under the Family Unity Program.

(7) *Extension of voluntary departure.* An application for an extension of voluntary departure under the Family Unity Program must be filed by the alien on Form I-817, along with the fee required in § 103.7 of this chapter and the initial evidence required on the application form. An extension may be granted if the alien's eligibility for benefits under the Family Unity Program continues. However, an extension may not be approved if a petition for family-sponsored immigrant status has not been filed on behalf of the applicant during the initial period of voluntary departure under the Family Unity Program. In such case the Service will notify the alien of the reason for the denial and afford him or her the oportunity to file another Form I-817 once the petition, Form I-130, has been filed in behalf of him or her. No charging document will be issued for a period of 90 days.

(f) *Effect on eligibility for benefits from financial assistance programs furnished under federal law.* An alien

granted Family Unity Program benefits based on a relationship to a legalized alien as defined in paragraph (b)(1) of this section is ineligible for public welfare assistance in the same manner and for the same period as the legalized alien is ineligible for such assistance under sections 245A(h) or 210(f), respectively, of the Act.

(g) *Termination.* (1) *Automatic termination.* [Reserved]

(2) *Termination after notice.* After notice, the Service may terminate benefits under the Family Unity Program when the necessity for the termination comes to the attention of the Service. Such grounds will exist in situations including, but not limited to, those in which:

(i) A determination is made that Family Unity Program benefits were acquired as the result of fraud or willful misrepresentation of a material fact;

(ii) The alien commits an act or acts which render him or her inadmissible as an immigrant or ineligible for benefits under the Family Unity Program;

(iii) The legalized alien upon whose status benefits under the Family Unity Program were based loses his or her legalized status;

(iv) The alien is the subject of a final order of deportation issued subsequent to the grant of benefits on any ground of deportability or excludability that would have rendered the alien ineligible for benefits under § 242.6(d)(1) of this chapter, regardless of whether the facts giving rise to such ground occurred before or after the benefits were granted; or

(v) A qualifying relationship to a legalized alien no longer exists. A person who qualified as the unmarried child of legalized alien on May 5, 1988 shall not be considered ineligible for benefits under the Family Unity Program solely as a result of having reached the age of 21.

(3) *Notice procedure.* Notice of intent to terminate and of the grounds thereof shall be sent pursuant to the provisions of § 103 of this chapter. The alien shall be given 30 days to respond to the notice and may submit to the Service additional evidence in rebuttal. Any final decision of termination shall also be sent pursuant to the provisions of § 103 of this chapter. Upon termination, the case will be referred to the district director with jurisdiction over the alien's place of residence for consideration of whether to issue an Order to Show Cause.

(4) *Effect of termination.* Termination of benefits under the Family Unity Program, other than as a result of a final order of deportation or exclusion, shall render the alien amenable to exclusion or deportation proceedings under sections 236 or 242 of the Act, as appropriate.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

7. The authority citation for part 264 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301–1305.

8. In section 264.1 paragraph (a) is amended by adding in proper numerical sequence the following form:

§ 264.1 Registration and fingerprinting.

(a) * * *

* * * * *

I–817, Application for Voluntary Department under the Family Unity Program.

* * * * *

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

9. The authority citation for part 274a is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

Subpart B—Employment Authorization

10. Section 274a.12 is amended by:

a. Revising the introductory text in paragraph (a);

b. Revising paragraph (a)(12);

c. Removing the undesignated paragraph immediately following paragraph (a)(2); and

d. Adding a new paragraph (a)(13), to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment

(a) *Aliens authorized employment incident to status.* Pursuant to the statutory or regulatory reference cited, the following classes of aliens are authorized to be employed in the United States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes. Any alien who is within a class of aliens described in paragraphs (a)(3) through (a)(8) or (a)(10) through (a)(13) of this section, and who seeks to be employed in the United States, must apply to the Service for a document evidencing such employment authorization.

* * * * *

(12) An alien granted Temporary Protected Status under section 244A of the Act for the period of time in that status, as evidenced by an employment authorization document issued by the Service; or

(13) An alien granted voluntary departure by the Attorney General under the Family Unity Program established by section 301 of the Immigration Act of 1990, as evidenced by an employment authorization document issued by the Service.

* * * * *

§ 274a.13 [Amended]

11. In § 274a.13, paragraph (a) is amended by revising the number "(1)" in the first sentence to read "(13)".

PART 299—IMMIGRATION FORMS

12. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

13. Section 299.1 is amended by adding in proper numerical sequence the following form:

§ 299.1 Prescribed forms.

* * * * *

I–817 (09/10/91)—Application for Voluntary Department under the Family Unity Program.

* * * * *

14. Section 299.5 is amended by adding in proper numerical sequence the following form:

§ 299.5 Display of control numbers.

* * * * *

INS form No.	INS form title	Currently assigned OMB control No.
*	*	*
I–817	Application for Voluntary Departure under the Family Unity Program.	1115–0166
*	*	*

Dated: February 18, 1992.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 92–4292 Filed 2–21–92; 10:12 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Cooperation With States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities; Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Amendment to policy statement.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising and amending its Policy on Cooperation With States at Commercial Nuclear Power Plants and Other Production or Utilization Facilities (54 FR 7530; February 22, 1989). The amendment to the policy statement allows State representatives in adjacent States to observe NRC inspections at licensed facilities. "Adjacent States" are defined as States within the plume exposure pathway (within approximately a 10-mile radius) Emergency Planning Zone (EPZ) of a licensed facility in another State.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Frederick Combs, Assistant Director for State, Local and Indian Relations, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 504-2325.

SUPPLEMENTARY INFORMATION:

Discussion

On February 22, 1989 (54 FR 7530), the Commission published the policy statement "Cooperation With States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities." The policy statement was intended to provide a uniform basis for NRC/State cooperation as it relates to the regulatory oversight of commercial nuclear power plants and other nuclear production or utilization facilities. The policy statement allows State officials to accompany NRC on inspections and, under certain circumstances, enables States to enter instruments of cooperation (MOUs) which would allow States to participate in NRC inspection activities.

Analysis: On August 26, 1991 (56 FR 41968), the Commission published for comment a proposed amendment to the policy statement on Cooperation With States. This amendment would allow State representatives to observe NRC inspections at licensed facilities in adjacent States. "Adjacent States" are defined as States within the plume exposure pathway (within approximately a 10-mile radius) Emergency Planning Zone (EPZ) of a licensed facility in another State.

The Commission received seven comments on the proposed amendment: three from utilities, one from a utility organization, two from States and one from a public citizen's group.

Comments: One comment was received from Ohio Citizens for Responsible Energy Inc. ("OCRE") which was generally supportive of the amendment. OCRE did suggest, however, that an adjacent State be defined as one which is within the plume exposure pathway EPZ or within a 10-mile radius of a nuclear facility located in another State. They claim this addition is necessary due to the periodic political proposals to reduce the plume exposure pathway EPZ from its current 10-mile radius to some smaller area, perhaps as small as 2-5 miles or even limited to the site boundary.

Response: EPZs are the designated areas for which planning is recommended to ensure that prompt and effective actions can be taken to protect the public in the event of an accident. NRC licensees, State and local governments and petitioners for rulemaking have often questioned the exact size and configuration of the plume exposure pathway EPZ. The Commission answered these questions in a policy statement (Long Island Lighting Company, Shoreham Nuclear Power Station, Unit 1, CLI-89-12, 26 NRC 383, 384, 385) as follows:

> Implicit in the concept of "adequate protective measures" is the fact that emergency planning will not eliminate, in every conceivable accident, the possibility of serious harm to the public. Emergency planning can, however, be expected to reduce any public harm in the event of a serious but highly unlikely accident. Given these circumstances, it is entirely reasonable and appropriate for the Commission to hold that the rule precludes adjustments on safety grounds to the size of an EPZ that is "about 10 miles in radius." In the Commission's view, the proper interpretation of the rule would call for adjustment to the exact size of the EPZ on the basis of such straightforward administrative considerations as avoiding EPZ boundaries that run through the middle of schools or hospitals, or that arbitrarily carve out small portions of governmental jurisdictions. The goal is merely planning simplicity and avoidance of ambiguity as to the location for the boundaries.

As stated in the original **Federal Register** notice (February 22, 1989) during the comment period, NRC's reasoning behind limiting adjacent State observation to those States within the plume exposure pathway EPZ was twofold: First, a limit had to be set to allow Regional offices to manageably handle requests to observe inspections which might be made by host States and adjacent States. Second, the plume exposure pathway EPZ was determined to be that area (approximately 10 miles) requiring possibly prompt action in the event of an accident to reduce risk to the public. It is unlikely that any immediate protective actions would be required beyond the plume exposure pathway EPZ.

Therefore, it was felt those States with the most critical response efforts during emergency situations, and those with more immediate public health and safety risks, should be the States allowed to observe NRC inspections. These States would therefore become more familiar with plant safety issues.

Comment: A similar comment was received from the New York State Energy Office, which requests broadening the definition of "adjacent State" to include reciprocity for facilities further than the ten-mile radius around a plant to perhaps a fifty-mile radius.

Analysis: For the reasons stated above, NRC does not believe the plume exposure pathway or the definition of adjacent State should be changed. Furthermore, inclusion of all States which are within a fifty-mile radius of a reactor in another State would greatly increase the number of States eligible for observation of NRC inspections and also increase the administrative burden on the NRC, especially for highly-visible inspection efforts. The impact on NRC of having large numbers of requests for observations in inspections could become burdensome and negatively impact our own inspection program, and could adversely impact licensees.

Comment: The Nuclear Management and Resources Council (NUMARC) remains concerned if State representatives are allowed to carry out NRC inspection responsibilities. They also reiterated their previous concern with the original policy, that allowing State representatives, whether from a State in which a plant is located or an adjacent State within the plume exposure pathway, to conduct NRC inspections could result in a situation where a licensee could be subjected to dual, and perhaps conflicting, regulation by a State through this mechanism. NUMARC does believe that it is appropriate for the NRC and States to work together to coordinate the exercise of their complementary responsibilities, but feels that State representatives should not conduct NRC inspections.

Response: The concern of NUMARC regarding State representatives conducting NRC inspections was previously submitted and addressed in the summary of comments and NRC response section of the **Federal Register** notice adopting the final policy statement (54 FR 7530; February 22, 1989). There has been no change proposed to that aspect of the policy. This proposed change to the policy concerns only observations of inspections by representatives of adjacent States, not participation in inspection by these representatives. It

was decided that NRC does not have enough experience with participation agreements between the NRC and host States to expand that arena to adjacent States at this time. NRC will continue to monitor closely the implementation of this policy statement to ensure that it is not misapplied and that unintended results do not occur.

Comment: The Vermont Yankee Nuclear Power Corporation commented that they endorse the concept of the current policy of NRC cooperation with State governments, however they believe that the host state deserves special consideration where requests for observations are concerned. They request NRC to encourage the adjacent States to communicate with host state representatives on matters pertaining to the operation of host state nuclear power plants.

Response: In the **Federal Register** notice, NRC committed to limit team inspections to normally no more than one observer from each State. When there is a conflict, preference would be given to the host state for routine inspections, but the NRC Regional Administrator should make the final determination as to whether more than one State observer should be involved in the inspection. In addition, the protocol agreement in Appendix A of the **Federal Register** notice has been revised to accommodate a request from an adjacent State, strongly encourage communication with the host State, and give preference to the host State should a conflict exist. NRC will adhere to this policy and endorse two-way communication at every stage of the observation.

Comment: New Hampshire Yankee (NHY) transmitted several comments. One comment concerned the possible misinterpretation of the roles of host States and adjacent States. NHY states that the Discussion section makes it clear that adjacent States should be limited to an observation role whereas a host State, under certain conditions, may actually participate in inspections. The Statement of Policy, however, does not explicitly state these distinctions and limits. Similarly, under Implementation, the first sentence of the second paragraph states that the "NRC will consider State *participation* in inspections * * *" (emphasis added) without specifying that this refers to host States.

The second comment stated that NHY believes that the State Protocol should be changed to reflect that where an MOU allows actual host State participation in inspections, or even observations, the protocol for publicly releasing or commenting on the results should be the same as for State observations. Release of information concerning the inspection should not occur before review by the NRC and issuance of the NRC inspection report.

The third comment expressed concern over ambiguity in the language regarding the number of State inspectors from the host and adjacent States. The Discussion indicates that the number of observers should normally be limited to the number of NRC inspectors and that team inspections should normally have no more than one observer from each State. The second bullet of the State Protocol sets a norm of one observer per NRC inspection. NHY believes that this language could lead to misunderstandings and the the Statement of Policy should clearly set forth the NRC's expectations on the total number of observers from the host and adjacent State including the case where the host State is actually participating in the inspection.

The fourth comment stated that NHY believes that State observations of routine inspections by the NRC Resident Inspectors should be limited to one individual from the host State, and that if States feel additional observers are needed this should be taken up as a special case.

The fifth comment states that NHY believes the State Protocol should clearly state that observers must obtain approval from the licensee as well as the NRC before removing any material from the site. This could be accomplished by simply having the observer formally submit a request for documents to the licensee through the NRC.

In their final comment, NHY requested that Maine be removed from the table listing adjacent States since they do not fall within the stated definition of the plume exposure pathway emergency planning zone.

Response: NRC agrees there may be some ambiguity regarding the roles of adjacent and host States in the policy statement. Therefore, we are amending the second paragraph under "Implementation," to read, "NRC will consider *host* State (emphasis added) participation in inspections and the inspection entrance and exit meetings, where the State-proposed agreement identifies the specific inspections they wish to assist NRC with and provides a program containing those elements as described in the policy statement." The modification clarifies NRC's intent to allow only host States to participate in NRC inspections.

With regard to the second comment, NRC enters into MOUs for participation where more detailed cooperation is required. In the MOUs, a provision is included for the State to abide by NRC protocol by not publicly disclosing inspection findings prior to the release of the NRC inspection report.

Regarding NHY's third comment relating to the number of State inspectors to observe an inspection, NRC believes the policy is clearly stated. Although the protocol states that normally one observer will be allowed to observe an NRC inspection, some amount of discretion is needed to allow more inspectors to attend under special circumstances. There are a sufficient number of inspections which are event-related or have attracted significant public interest, to which States may want to send more than one observer. The policy does not address the number of State inspectors allowed to participate in an NRC inspection. It is expected the State will utilize only the minimum number of inspectors it needs to accomplish the best possible coverage of the inspection activity. In this regard, the MOUs under a participation arrangement affirm that the State will submit monthly inspection recommendations to the NRC Resident Inspector (or Regional Office) in sufficient time to allow NRC review before preparation of the inspection plan. NRC will review the State's recommendations and inform the State of any activities that appear to impose an undue burden on the licensee. The State will make adjustments to the State inspection recommendations, as necessary, to address NRC comments.

The fourth comment, pertaining to the number of State observers of routine inspections by NRC Resident Inspectors, has already been addressed. Requests for observations of routine inspections by the Resident will be treated the same as any other inspection.

NRC also agrees that the State observer should obtain licensee or NRC approval before removing material from the site. We have modified the protocol to incorporate this change.

Regarding NHY's final comment, we have deleted Maine from the table of adjacent States since it does not fall within the Seabrook Station's 10-mile plume exposure pathway emergency planning zone. The table is reprinted below.

Comment: Both Philadelphia Electric Company and the State of Arkansas commented that they support NRC's efforts to amend the policy.

The following list of host States and adjacent States (within the 10-mile plume exposure pathway emergency planning zone) along with these NRC-licensed facilities could be affected by

the proposed policy revision:

Plant	State	Adjacent state(s)
Beaver Valley	PA	OH, WV
Catawba	SC	NC
Cooper	NE	MO
Farley	AL	GA
Ft. Calhoun	NE	IA
Grand Gulf	MS	LA
Hope Creek	NJ	DE
Millstone	CT	NY
Peach Bottom	PA	MD
Prairie Island	MN	WI
Quad Cities	IL	IA
Salem	NJ	DE
Seabrook	NH	MA
Trojan	OR	WA
Vermont Yankee	VT	MA, NH
Yankee Rowe	MA	VT
Zion	IL	WI

A total of 17 utilities and 25 States could be affected by the policy revision.

Paperwork Reduction Act Statement

This final policy statement amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget approval number 3150–0163.

The public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (MNBB–7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–3019 (3150–0163), Office of Management and Budget, Washington, DC 20503.

Final Amendments to the Policy Statement

In section III, Statement of Policy (54 FR 7530 at 7538, February 22, 1989), the final sentence in the second paragraph is revised to read as follows:

Additionally, at the State's request, representatives from a State in which the NRC-licensed facility is located (the host State) and from a State within the plume exposure pathway emergency planning zone (EPZ)—(within approximately a ten-mile radius)—of an NRC-licensed facility located in another State (the adjacent State) will be able to observe specific inspections and/or inspection entrance and exit meetings where State representatives are knowledgeable in radiological health and safety matters.

In section III, Statement of Policy (54 FR 7530 at 7538, February 22, 1989), the third sentence in the third paragraph is revised to read as follows:

State participation in NRC programs would allow qualified State representatives from States in which an NRC-licensed facility is located, either individually or as a member of a team, to conduct specific inspection activities in accordance with NRC standards, regulations, and procedures in close cooperation with the NRC.

In section IV, Implementation (54 FR 7530 at 7538, February 22, 1989), the fifth, and final sentences in the first paragraph are revised to read as follows:

Host State or adjacent State representatives are free to attend as observers any public meeting between the NRC and its applicants and licensees.

Requests from host States and adjacent States to observe inspections and/or inspection entrance and exit meetings conducted by the NRC require the approval of the appropriate Regional Administrator.

Also, in section IV, Implementation, the first sentence in the second paragraph is revised to read as follows:

NRC will consider host State participation in inspections and the inspection entrance and exit meetings, where the State-proposed agreement identifies the inspections they wish to assist NRC with and provides a program containing those elements as described in the policy statement.

In Appendix A—Protocol Agreement for State Observation of NRC Inspections, the State Protocol Section, the eighth bullet is revised to read as follows:

• An observer will not be provided with proprietary or safeguards information. Observers will not remove any material from the site without NRC or licensee approval.

The full text of the Policy Statement with new wording is reprinted below.

Dated at Rockville, MD, this 18th day of February 1992.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Statement of Policy

It is the NRC's policy to cooperate fully with State governments as they seek to respond to the expectations of their citizens that their health and safety be protected and that there be minimal impact on the environment as a result of activities licensed by the NRC. The NRC and the States have complementary responsibilities in protecting public health and safety and the environment. Furthermore, the NRC is committed to the full and timely disclosure of matters affecting the public and to the fair and uniform handling of all agency interactions with the States, the public, and NRC licensees.

Accordingly, the NRC will continue to keep Governor-appointed State Liaison Officers routinely informed on matters of interest to the States. The NRC will respond in a timely manner to a State's requests for information and its recommendations concerning matters within the NRC's regulatory jurisdiction. If requested, the NRC will routinely inform State Liaison Officers of Public meetings between NRC and its licensees and applicants in order that State representatives may attend as observers. Additionally, at the State's request, representatives from a State in which the NRC-licensed facility is located (the host State) and from a State within the plume exposure pathway emergency planning zone (EPZ) (within approximately a 10-mile radius) of an NRC-licensed facility located in another State (the adjacent State) will be able to observe specific inspections and/or inspection entrance and exit meetings where State representatives are knowledgeable in radiological health and safety matters.

The Commission recognizes that the involvement of qualified State representatives in NRC radiological health and safety programs has the potential for providing additional safety benefit. Therefore, the NRC will consider State proposals to enter into instruments of cooperation for State participation in inspections and inspection entrance and exit meetings. State participation in NRC programs would allow qualified State representatives from States in which an NRC-licensed facility is located, either individually or as a member of a team, to conduct specific inspection activities in accordance with NRC standards, regulations, and procedures in close cooperation with the NRC. State activities will normally be conducted under the oversight of an authorized NRC representative with the degree of oversight dependent upon the activity involved. In the proposal to enter into an instrument of cooperation, the State must identify those activities for which cooperation with the NRC is desired. The State must propose a program that: (1) Recognizes the Federal Government, primarily NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clean Air Act; (2) is in accordance with Fedeal standards and regulations; (3) specifies minimum

education, experience, training, and qualifications requirements for State representatives which are patterned after those of NRC inspectors; (4) contains provisions for the findings of State representatives to be transmitted to NRC for disposition; (5) would not impose an undue burden on the NRC and its licensees and applicants; and (6) abids by NRC protocol not to publicly disclose inspection findings prior to the release of the NRC inspection report.

Consistent with section 274c of the Act, the NRC will not consider State proposals for instruments of cooperation that do not include the elements listed above, which are designed to ensure close cooperation and consistency with the NRC inspection program. As a practical matter, the NRC is concerned that independent State inspection programs could direct an applicant's or licensee's attention to areas not consistent with NRC safety priorites, misinterpret NRC safety requirements, or give the perception of dual regulation. For purposes of this policy statement, an independent State inspection program is one in which State representatives would conduct inspections and assess NRC-regulated activities on a State's own initiative and authority without close cooperation with, and oversight by, an authorized NRC representative.

Instruments of cooperation between the NRC and the States, approved prior to the date of this policy statement will continue to be honored by the NRC. The NRC strongly encourages those States holding these agreements to consider modifying them, if necessary, to bring them into conformance with the provisions of this policy statement.

Implementation

As provided in the policy statement the NRC will routinely keep State Liaison Officers informed on matters of interest to the States. In general, all State requests should come from the State Liaison Officer to the appropriate NRC Regional Office. The NRC will make every effort to respond as fully as possible to all requests from States for information on matters concerning nuclear production or utilization facility safety within 30 days. The NRC will work to achieve a timely response to State recommendations relating to the safe operation of nuclear production or utilization facilities. Host State or adjacent State representatives are free to attend as observers any public meeting between the NRC and its applicant and licensees. The appropriate Regional Office will routinely inform State Liaison Officers of the scheduling of public meetings upon request. Requests from host States and adjacent States to observe inspections and/or inspection entrance and exit meetings conducted by the NRC require the approval of the appropriate Regional Administrator.

NRC will consider host State participation in inspections and the inspection entrance and exit meetings, where the State-proposed agreement identifies the specific inspections they wish to assist NRC with and provides a program containing those elements as described in the policy statement. NRC may develop inspection plans along with qualified State representatives using applicable procedures in the NRC Inspection Manual. Qualified State representatives may be permitted to perform inspections in cooperation with, and on behalf of, the NRC under the oversight of an authorized NRC representative. The degree of oversight provided would depend on the activity. For instance, State representatives may be accompanied by an NRC representative initially, in order to assess the State inspectors' preparedness to conduct the inspection individually. Other activities may be conducted as a team with NRC taking the lead. All enforcement action will be undertaken by the NRC.

The Commission will decide policy matters related to agreements proposed under this policy statement. Once the Commission has decided the policy on a specific type of agreement, similar State-proposed agreements may be approved, consistent with Commission policy, by the Executive Director for Operations. A State-proposed instrument of cooperation will be documented in a formal MOU signed by NRC and the State.

Once the NRC has decided to enter into an MOU for State involvement in NRC inspections, a formal review, not less than six months after the effective date, will be performed by the NRC to evaluate implementation of the MOU and resolve any problems identified. Final agreements will be subject to periodic reviews and may be amended or modified upon written agreement by both parties and may be terminated upon 30 days written notice by either party.

Additionally, once State involvement in NRC activities at a nuclear production or utilization facility is approved by the NRC, the State is responsible for meeting all requirements of an NRC licensee and applicant related to personal safety and unescorted access of State representatives at the site.

Appendix A—Protocol Agreement for State Observation of NRC Inspections

NRC Protocol

- The Regional State Liaison Officer (RSLO) will normally be the lead individual responsible for tracking requests for State observation, assuring consistency regarding these requests, and for advising the Regional Administrator on the disposition of these requests. The appropriate technical representative or Division Director will communicate with the State on specific issues concerning the inspection(s).
- Requests for observations of Headquarters-based inspections will also be coordinated through the RSLO. Headquarters-based inspections should be referred through the RSLO to a technical representative designated by the Region.
- NRC will process written requests to the Regional Administrator through the State Liaison Officer (SLO). Requests should identify the type of inspection activity and facility the State wishes to observe.
- Limits on scope and duration of the observation period may be imposed if, in the view of the Regional Administrator, they compromise the efficiency or effectiveness of the inspection. Regions should use their discretion as to which, if any, inspections will be excluded from observations.
- States will be informed they must not release information concerning the time and purpose of unannounced inspections.
- The Region will make it clear to the licensee that the State views are not necessarily endorsed by NRC. The Region will also make it clear that only NRC has regulatory authority for inspection findings and enforcement actions regarding radiological health and safety.

State Protocol

- A State will make advance arrangements with the licensee for site access training and badging (subject to fitness for duty requirements), prior to the actual inspection.
- Normally, no more than one individual will be allowed to observe an NRC inspection.
- The State will be responsible for determining the technical and professional competence of its representatives who accompany NRC inspectors.
- An observer's communication with licensee with be through the appropriate NRC team member, usually the senior resident inspector or the team leader.
- When informed of an unannounced inspection, a State must not release information concerning its time and purpose.
- An observer will remain in the company of NRC personnel throughout the course of the inspection.
- State observation may be terminated by the NRC if the observer's conduct interferes with a fair and orderly inspection.
- An observer will not be provided with proprietary or safeguards information. Observers will not remove any material from the site without NRC or licensee approval.
- The State observer, in accompanying the NRC inspectors, does so at his or her own risk. NRC will not be responsible for injuries

or exposures to harmful substances which may occur to the accompanying individual during the inspection and will assume no liability for any incidents associated with the accompaniment.

• The State observer will be expected to adhere to the same conduct as NRC inspectors during an inspection accompaniment.

• If the State observer notices any apparent non-conformance with safety or regulatory requirements during the inspection, he/she will make those observations promptly known to the NRC team leader or lead inspector. Likewise, when overall conclusions or views of the State observer are substantially different from those of the NRC inspectors, the State will advise the team leader or lead inspector and forward those views, in writing, to the NRC Region. This will allow NRC to take any necessary regulatory actions.

• Under no circumstances should State communications regarding these inspections be released to the public or the licensee before they are reviewed by the NRC and the inspection report is issued. State communications may be made publicly available, similar to NRC inspection reports, after they have been transmitted to and reviewed by NRC.

Adjacent State Protocol

• An adjacent State is a State within the plume exposure pathway emergency planning zone (EPZ) (within approximately a 10-mile radius) of an NRC-licensed facility located in another State. A host State is a State in which an NRC-licensed facility is located. An adjacent State may request permission to observe NRC inspections at an NRC-licensed facility in a host State.

• The adjacent State SLO must communicate his/her request for observation to the Regional Administrator for the region in which the facility is located.

• The adjacent State SLO must also communicate his/her request to the host State SLO so that each State is aware of the other's intentions.

• If a host State and an adjacent State request observation of the same inspection, the Regional Administrator will make the final determination on the number of State observers who may attend the inspection. If there is a need to limit the number of observers, the Regional Administrator will routinely give preference to the host State observers.

• Adjacent State observers will abide by the same protocol in all aspects of the inspection as host States under this agreement.

Signature of State Observer

Date

[FR Doc. 92-4248 Filed 2-24-92; 8:45 a.m.]

BILLING CODE 7590-01-M

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 900

[92-64]

Delegation of Authority to Issue Consolidated Obligations

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending its regulations relating to Delegation of Authority to the Office of Finance. The purpose of this action is to amend the delegation of authority to issue Federal Home Loan Bank (FHLBank) consolidated debentures, bonds or notes (consolidated obligations) on behalf of the Finance Board under section 11 of the Federal Home Loan Bank Act (Bank Act) (12 U.S.C. 1431). This amendment reflects the new structure of the Office of Finance.

EFFECTIVE DATE: February 13, 1992.

FOR FURTHER INFORMATION CONTACT: Charles Szlenker, Attorney, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

1. Overview

The Bank Act authorizes the Finance Board to issue FHLBank consolidated obligations. The proceeds raised by issuing the consolidated obligations are used by the FHLBanks to make advances to their members. The members in turn use those funds to facilitate housing finance. See 12 U.S.C. 1431 (b) and (c) (Supp. I 1989). The Finance Board delegates the ministerial duties of selling the obligations to the Office of Finance, a joint office of the Federal Home Loan Banks, created pursuant to section 2B(b)(2) of the Bank Act (12 U.S.C. 1422b(b)(2) (Supp. I 1989)).

This delegation to the Office of Finance is memorialized in a regulation. 56 FR 67158 (Dec. 30, 1991) (12 CFR 900.30). Specifically, that provision delegated the authority to the Director of the Office of Finance. The Finance Board recently promulgated regulations reorganizing the Office of Finance. See 57 FR 2832 (Jan. 24, 1992) (12 CFR 941.1–941.12). Consequently, the authority to issue the consolidated obligations will be specifically delegated to a newly created Office of Finance Board of Directors. This rule is a technical amendment to the Finance Board's regulations to reflect the new structure of the Office of Finance, and does not alter the recent reorganization of the Office of Finance or the existing rights of holders of FHLBank consolidated obligations.

2. Prior Delegations of Authority

Section 401(h)(2) of the Financial Institutions, Reform, Recovery and Enforcement Act of 1989, which replaced the former FHLBB with the Finance Board as the regulatory overseer of the FHLBanks, provided that all FHLBB resolutions and orders continued in effect until superseded by the Finance Board. 103 Stat. 183, 356 (1989) codified at 12 U.S.C. 1437 note. The Finance Board has relied on this authority to continue in effect all the delegations of authority to the Office of Finance issued by either the FHLBB's three member governing Board or by FHLBB Chairman's Orders. This regulation is intended to be the complete codification of the delegation of duties to the Office of Finance. Accordingly, all FHLBB resolutions and all FHLBB Chairman's Orders purporting to delegate any authority to the Office of Finance are superseded and void, effective as of the first meeting of the Office of Finance Board of Directors.

Administrative Procedures Act

The Finance Board is adopting this regulation as a final rule, effective on February 13, 1992. The Finance Board notes that the notice and comment requirements of the Administrative Procedures Act ("APA") (5 U.S.C. 553) may be suspended when the agency finds good cause that such requirements are unnecessary and incorporates its finding with the rulemaking. 5 U.S.C. at 553(b)(3)(B).

The Finance Board finds that notice and comment are unnecessary for two reasons. First, this regulation is a technical amendment that does not affect the rights of any member of the public. Second, the public already has received an opportunity to comment on issues raised in the Office of Finance restructuring since the regulation that created its Board of Directors provides for a comment period. See 57 FR 2832 (Jan. 24, 1992). The delegation created by this rulemaking does not raise any additional issues so no additional comment period is necessary.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rulemaking, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

List of Subjects in 12 CFR Part 900

Organization and functions (Government agencies).

Accordingly, the Finance Board amends subpart C of part 900 of its general regulations, at chapter IX, title 12, Code of Federal Regulations, as follows:

1. The Authority citation for part 900 continues to read as follows:

Authority: 5 U.S.C. 552; sec. 2B(a), as added by sec. 702(a), 103 Stat. 414 (1989) (12 U.S.C. 1422b(a)).

2. Section 900.30 is revised to read as follows:

§ 900.30 Office of Finance Board of Directors.

(a) *Consolidated obligations.* Subject to Finance Board regulations, resolutions or policies, the Office of Finance Board of Directors is delegated the authority:

(1) To issue through the Office of Finance the Federal Home Loan Bank consolidated debentures, bonds or notes pursuant to the Finance Board's authority under section 11 of the Bank Act (12 U.S.C. 1431); and

(2) To determine their denominations, interest rate and terms.

(b) *Treasury policy.* The Office of Finance Board of Directors shall implement this delegation in accordance with the policies and guidelines issued by the Secretary of the Treasury under section 9108 of title 31 of the United States Code (31 U.S.C. 9108).

By the Federal Housing Finance Board.

Dated: February 13, 1992.

Daniel F. Evans, Jr.,

Chairman.

[FR Doc. 92-4072 Filed 2-24-92; 8:45 am]

BILLING CODE 6725-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 26778; Amdt. No. 1479]

Standard Instrument Approach Procedures: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight

safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the US Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC, on February 14, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35; [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
01/31/92	IA	Emmetsburg	Emmetsburg Muni	FDC 2/0618	NDB rwy 31 amdt 1.
01/31/92	IA	Emmetsburg	Emmetsburg Muni	FDC 2/0619	NDB rwy 13 amdt 1.
01/13/92	OH	Akron	Akron-Canton Regional	FDC 2/0187	ILS rwy 23 amdt 9 . . this corrects NOTAM in TL 92-3.
01/22/92	AR	Batesville	Batesville Regional	FDC 2/0371	NDB rwy 7 amdt 5 . . . this corrects TL 92-4.
01/29/92	TN	Columbia/Mount Pleasant	Maury County	FDC 2/0526	NDB rwy 23 amdt 3.
01/29/92	TN	Columbia/Mount Pleasant	Maury County	FDC 2/0527	SDF rwy 23 amdt 4.
01/29/92	TN	Dyersburg	Dyersburg Muni	FDC 2/0525	VOR/DME rwy 4 amdt 1.
01/29/92	TN	Selmer	Robert Sibley	FDC 2/0523	NDB rwy 16 amdt 4.
01/29/92	TN	Smyrna	Smyrna	FDC 2/0520	NDB rwy 32 amdt 7.
01/29/92	TN	Smyrna	Smyrna	FDC 2/0521	VOR/DME rwy 32 amdt 11.
01/29/92	TN	Smyrna	Smyrna	FDC 2/0522	ILS rwy 32 amdt 4.
01/29/92	TN	Smyrna	Smyrna	FDC 2/0524	VOR/DME rwy 14 amdt 5.
01/29/92	TN	Winchester	Winchester Muni	FDC 2/0519	NDB rwy 18 amdt 4.
01/30/92	FL	St. Petersburg-Clearwater	St. Petersburg-Clearwater Intl	FDC 2/0542	ILS rwy 17L amdt 19.
01/30/92	FL	St. Petersburg-Clearwater	St. Petersburg-Clearwater Intl	FDC 2/0543	NDB rwy 17L amdt 20.
01/30/92	FL	St. Petersburg-Clearwater	St. Petersburg-Clearwater Intl	FDC 2/0544	VOR rwy 17L amdt 11.
01/30/92	IA	Sioux City	Sioux Gateway	FDC 2/0561	ILS rwy 13 amdt 1.
01/30/92	IA	Sioux City	Sioux Gateway	FDC 2/0562	ILS rwy 31 amdt 24.
01/30/92	IA	Sioux City	Sioux Gateway	FDC 2/0566	VOR/DME or TACAN rwy 31 amdt 25.
01/30/92	IA	Sioux City	Sioux Gateway	FDC 2/0568	NDB rwy 31 amdt 23.
01/30/92	IA	Sioux City	Sioux Gateway	FDC 2/0569	RNAV rwy 17 amdt 3.
01/30/92	IA	Sioux City	Sioux Gateway	FDC 2/0570	RNAV rwy 35 amdt 6.
01/30/92	SC	Pageland	Pageland	FDC 2/0550	NDB rwy 23 Orig.
01/30/92	TN	Nashville	Nashville Intl	FDC 2/0557	ILS rwy 31 amdt 6.
01/30/92	TN	Waverly	Humphreys County	FDC 2/0554	VOR/DME-A amdt 2.
01/30/92	TN	Waverly	Humphreys County	FDC 2/0555	NDB rwy 21 amdt 2.
01/31/92	AR	Rogers	Rogers Municipal-Carter Field	FDC 2/0607	ILS rwy 19 orig.
01/31/92	AR	Rogers	Rogers Municipal-Carter Field	FDC 2/0608	VOR rwy 1 amdt 11.
01/31/92	AR	Rogers	Rogers Municipal-Carter Field	FDC 2/0609	VOR/DME rwy 19 amdt 8.
01/31/92	AR	Rogers	Rogers Municipal-Carter Field	FDC 2/0610	NDB rwy 19 orig.
01/31/92	FL	Miami	Miami Intl	FDC 2/0581	LOC rwy 30, amdt 5.
01/31/92	FL	Miami	Miami Intl	FDC 2/0582	VOR rwy 30, amdt 7
01/31/92	GA	Macon	Middle Georgia Regional	FDC 2/0586	ILS rwy 5 amdt 24.
01/31/92	GA	Macon	Middle Georgia Regional	FDC 2/0587	NDB rwy 5 amdt 20.
01/31/92	IA	Algona	Algona Muni	FDC 2/0612	VOR/DME-A amdt 4.
01/31/92	IA	Algona	Algona Muni	FDC 2/0613	NDB rwy 12 amdt 3.
01/31/92	IA	Hampton	Hampton Muni	FDC 2/0616	NDB rwy 17 amdt 3A.
01/31/92	IA	Hampton	Hampton Muni	FDC 2/0629	RNAV rwy 17 amdt 1.
01/31/92	IA	Sioux City	Sioux Gateway	FDC 2/0583	VOR/DME or TACAN rwy 13 amdt 17
01/31/92	IA	Sioux City	Sious Gateway	FDC 2/0584	NDB rwy 13 amdt 15.
01/31/92	IA	Storm Lake	Storm Lake Muni	FDC 2/0659	NDB rwy 35, orig.
01/31/92	ME	Sanford	Sanford Muni	FDC 2/0580	ILS rwy 7 orig.

NFDC TRANSMITTAL LETTER—Continued

Effective	State	City	Airport	FDC No.	SIAP
02/03/92	OH	Carrollton	Carroll County-Tolson	FDC 2/0644	NDB rwy 25 amdt 5.
02/10/92	MI	Escanaba	Delta County	FDC 2/0792	ILS/DME rwy 9 amdt 3 . . . this corrects TL 92-3.
02/12/92	FL	Cross City	Cross City	FDC 2/0822	VOR rwy 31 amdt 16.
02/12/92	IA	Jefferson	Jefferson Muni	FDC 2/0826	NDB rwy 32 amdt 3.

NFDC Transmittal Letter Attachment

Batesville

Batesville Regional
Arkansas
NDB RWY 7 AMDT 5...
Effective: 01/22/92
This Corrects TL 92-4.

FDC 2/0371/BVX/FI/P Batesville Regional, Batesville, AR NDB RWY 7 AMDT 5... Change Note to read "IF LCL ALSTG not received, use Little Rock ALSTG and increase all MDAS 300 ft, and for BAIKS FM MINS, increase vis 1 mi all cats. INOP table does not apply. Circling NA NW of RWYS 7/25". BAIKS FM stepdown ALT raised to 1660 ft, 1960 when using Little Rock ALSTG. S-7 and circling all CATS MDA 1660/HAT 1197/HAA 1966. BAIKS FM MINS S-7 all CATS MDA 1000/HAT 537, VIS CAT C 1½, CAT D 1¾. circling MDA 1000/HAA 536 CATS A/B/C, CAT D MDA 1020/HAA 556 VIS CAT C 1-½, CAT D 2. This becomes NDB RWY 7 AMDT 5A.

Rogers

Rogers Municipal-Carter Field
Arkansas
ILS RWY 19 ORIG...
Effective: 01/31/92

FDC 2/0607/ROG/ FI/P Rogers Municipal-Carter Field, Rogers, AR. ILS RWY 19 ORIG... MSA From CJD NDB 090-270 3400; 270-090 3100. This becomes ILS RWY 19 ORIG A.

Rogers

Rogers Municipal-Carter Field
Arkansas
VOR RWY 1 AMDT 11...
Effective: 01/31/92

FDC 2/0608/ROG/ FI/P Rogers Municipal-Carter Field, Rogers, AR. VOR RWY 1 AMDT 11... MSA from RZC VORTAC 090-180 4500; 180-270 3500; 270-090 3100. This becomes VOR RWY 1 AMDT 11A.

Rogers

Rogers Municipal-Carter Field
Arkansas
VOR/DME RWY 119 AMDT 8...
Effective: 01/31/92

FDC 2/0609/ROG FI/P Rogers Municipal-Carter Field, Rogers, AR. VOR/DME RWY 19 AMDT 8... MSA from RZC VORTAC 090-180 4500; 180-270 3500; 270-090 3100. This becomes VOR/DME RWY 19 AMDT 8A.

Rogers

Rogers Municipal-Carter Field
Arkansas
NDB RWY 19 ORIG...
Effective: 01/31/92

FDC 2/0610/ROG/ FI/P Rogers Municipal-Carter Field, Rogers, AR. NDB RWY 19 ORIG... MSA from CJD NDB 090-270 3400; 270-090 3100. This becomes NDB RWY 19 ORIG A.

St Petersburg-Clearwater

St Petersburg-Clearwater Intl
Florida
ILS RWY 17L AMDT 19...
Effective: 01/30/92

FDC 2/0542/PIE FI/P St Petersburg-Clearwater Intl, St Petersburg-Clearwater, FL. ILS RWY 17L AMDT 19... S-ILS VIS RVR 1800 all CATS. S-LOC VIS CATS A/B RVR 2400, CAT C RVR 4000, CATS D/E RVR 5000. This becomes ILS 17L AMDT 19A.

St Petersburg-Clearwater

St Petersburg-Clearwater Intl
Florida
NDB RWY 17L AMDT 20...
Effective: 01/30/92

FDC 2/0543/PIE/ FI/P St Petersburg-Clearwater Intl, St Petersburg-Clearwater, FL. NDB RWY 17L AMDT 20... S-17L VIS CATS A/B RVR 4000, CAT C RVR 5000. This becomes NDB RWY 17L AMDT 20A.

St Petersburg-Clearwater

St Petersburg-Clearwater Intl
Florida
VOR RWY 17. AMDT 11...
Effective: 01/30/92

FDC 2/0544/PIE/ FI/P St Petersburg-Clearwater Intl, St Petersburg-Clearwater, FL. VOR RWY 17L AMDT 11... S-17L VIS CATS A/B RVR 2400, CAT C RVR 4000, CAT D RVR 5000. This becomes VOR RWY 17L AMDT 11A.

Miami

Miami Intl
Florida
LOC RWY 30, AMDT 5...
Effective: 01/31/92

FDC 2/0581/MIA/ FI/P Miami Intl, Miami, FL. LOC RWY 30, AMDT 5... S-30 VIS CATS A/B/C RVR 5000, CAT D RVR 6000. This becomes LOC RWY 30 AMDT 5A.

Miami

Miami Intl
Florida
VOR RWY 30, AMDT 7...
Effective: 01/31/92

FDC 2/0582/MIA/ FI/P Miami Intl, Miami, FL. VOR RWY 30, AMDT 5... S-30 VIS CATS A,B RVR 5000. This becomes VOR RWY 30 AMDT 7A.

Cross City

Cross City
Florida
VOR RWY 31 AMDT 16...
Effective: 02/12/92

FDC 2/0822/CTY/ FI/P Cross City, Cross City, FL. VOR RWY 31 AMDT 16... MIN ALT CTY VORTAC 1000 ft. MISSED APCH... Climb to 1000 then climbing right turn to 2000 direct CTY VORTAC and hold. This becomes VOR RWY 31 AMDT 16A.

Macon

Middle Georgia Regional
Georgia
ILS RWY 5 AMDT 24...
Effective: 01/31/92

FDC 2/0586/MCN/ FI/P Middle Georgia Regional, Macon, GA. ILS RWY 5 AMDT 24... Missed approach... Climb to 2200 VIA MCN R-028 to MURVE INT/MCN 17 DME/DBN R-306 and hold. Hold NE, RT, 208 inbound. This becomes ILS RWY 5 AMDT 24A.

Macon

Middle Georgia Regional
Georgia
NDB RWY 5 AMDT 20...
Effective: 01/31/92

FDC 2/0587/MNC/ FI/P Middle Georgia Regional, Macon, GA. NDB RWY 5 AMDT 20...Missed approach... climb to 2200 VIA MCN R-028 to murve INT/MCN 17 DMEM/DBN R-306 and hold. Hold NE, RT 208 inbound. This becomes NDB RWY 5 AMDT 20A.

Sioux City

Sioux Gateway

Iowa
ILS RWY 13 AMDT 1...
Effective: 01/30/92

FDC 2/0561/SUX/ FI/P Sioux Gateway, Sioux City, IA. ILS RWY 13 AMDT 1...TRML RTE SUX R-238/19 DME to I-OIQ LOC NW CRS MIN ALT 4500. Delete Notes...when CTR TWR..thru..MIN NA. This becomes ILS RWY 13 AMDT 1A.

Sioux City

Sioux Gateway
Iowa
ILS RWY 31 AMDT 24...
Effective: 01/30/92

FDC 2/0562/SUX/ FI/P Sioux Gateway, Sioux City, IA. ILS RWY 31 AMDT 24...Delete Notes... CAT D and E..thru..17 and 35 - 118.7. This becomes ILS RWY 31 AMDT 24A.

Sioux City

Sioux Gateway
Iowa
VOR/DME OR TACAN RWY 31 AMDT 25...
Effective: 01/30/92

FDC 2/0566/SUX/ FI/P Sioux Gateway, Sioux City, IA. VOR/DME or Tacan RWY 31 AMDT 25...Delete Notes... When CTR TWR..thru..118.7. Missed APCH instructions... climb to 1500, then climbing LT to 2900 direct to SUX VORTAC and hold. (TACAN ACFT... Continue VIA SUX R-132 to PARRC 12 DME and hold SE RT 132 inbound). This becomes VOR/DME or TACAN RWY 31 AMDT 25A.

Sioux City

Sioux Gateway
Iowa
NDB RWY 31 AMDT 23...
Effective: 01/30/92

FDC 2/0568/SUX/ FI/P Sioux Gateway, Sioux City, IA. NDB RWY 31 AMDT 23...Delete Notes... When CTR TWR..thru..118.7. This becomes NDB RWY 31 AMDT 23A.

Sioux City

Sioux Gateway
Iowa
RNAV RWY 17 AMDT 3...
Effective: 01/30/92

FDC 2/0569/SUX/ FI/P Sioux Gateway, Sioux City, IA. RNAV RWY 17 AMDT 3...Delete Notes... When CTR TWR..thru..118.7. This becomes RNAV RWY 17 AMDT 3A.

Sioux City

Sioux Gateway
Iowa
RNAV RWY 35 AMDT 6...
Effective: 01/30/92

FDC 2/0570/SUX/ FI/P Sioux Gateway, Sioux City, IA. RNAV RWY 35 AMDT 6...Delete Notes... When CTR TWR..thru..118.7. This becomes RNAV RWY 35 AMDT 6A.

Sioux City

Sioux Gateway
Iowa
VOR/DME or TACAN RWY 13 AMDT 17...
Effective: 01/30/92

FDC 2/0583/SUX/ FI/P Sioux Gateway, Sioux City, IA. VOR/DME or TACAN RWY 13 AMDT 17...TRML RTE SUX R-238/19 DME to SUX R-311/19 DME MIN ALT 4500. Delete Notes... When CTR TWR..thru..AOT. Apply to CAT C. Add Note...CAT C INOP Table does not apply. This becomes VOR/DME or TACAN RWY 13 AMDT 17A.

Sioux City

Sioux Gateway
Iowa
NDB RWY 13 AMDT 15...
Effective: 01/31/92

FDC 2/0584/SUX/ FI/P Sioux Gateway, Sioux City, IA. NDB RWY 13 AMDT 15...Delete Notes... When CTL TWR..thru.. Apply to CAT C. Add Note...CAT C INOP table does not apply. This becomes NDB RWY 13 AMDT 15A.

Algona

Algona Muni
Iowa
VOR/DME-A AMDT 4...
Effective: 01/31/92

FDC 2/0612/AXA/ FI/P Algona Muni, Algona, IA. VOR/DME-A AMDT 4...PROC NA at night. This becomes VOR/DME-A AMDT 4A.

Algona

Algona Muni
Iowa
NDB RWY 12 AMDT 3...
Effective: 01/31/92

FDC 2/0613/AXA/ FI/P Algona Muni, Algona, IA. NDB RWY 12 AMDT 3...PROC NA at night. This becomes NDB RWY 12 AMDT 3A.

Hampton

Hampton Muni
Iowa
NDB RWY 17 AMDT 3A...
Effective: 01/31/92

FDC 2/0616/HPT/ FI/P Hampton Muni, Hampton, IA. NDB RWY 17 AMDT 3A...S-17/CIRCLING MDA/HAT(HAA) All CATS 2120/944(944), VIS CAT A/B 1¼, C 2¾. This becomes NDB RWY 17 AMDT 3B.

Emmetsburg

Emmetsburg Muni
Iowa
NDB RWY 31 AMDT 1...
Effective: 01/31/92

FDC 2/0618/EGQ/ FI/P Emmetsburg Muni, Emmetsburg, IA. NDB RWY 31 AMDT 1...CNL TRML RTE from FRM VOR/DME to EGQ NDB, and Evert Int to EQG NDB. This becomes NDB RWY 31 AMDT 1A.

Emmetsburg

Emmetsburg Muni
Iowa
NDB RWY 13 AMDT 1...
Effective: 01/31/92

FDC 2/0619/EGQ/ FI/P Emmetsburg Muni, Emmetsburg, IA. NDB RWY 31 AMDT 1...CNL TRML RTE from FRM VOR/DME to EGQ NDB, and Evert Int to EQG NDB. This becomes NDB RWY 31 AMDT 1A.

Hampton

Hampton Muni
Iowa
RNVA RWY 17 AMDT 1...
Effective: 01/31/92

FDC 2/0629/HPT/ FI/P Hampton Muni, Hampton, IA. RNAV RWY 17 AMDT 1...S-17/Circling MDA/HAT(HAA) all CATS 2020/844(844), VIS CAT C 2 1/2. Horizontal DSTC MDA to MAP on GS 2.5 Miles. Delete...Activate MIRL 17-35 CTAF. Change TDZE to 1176. This is RNAV RWY 17 AMDT 1A.

Storm Lake

Storm Lake Muni
Iowa
NDB RWY 35, ORIG...
Effective: 01/31/92

FDC 2/0659/SLB/ FI/P Storm Lake Muni, Storm Lake IA. NDB RWY 35, Orig...Missed approach climb to 3000 then right turn direct SLB NDB and hold. Delete... TRML RTE Evert Int to Storm Lake NDB; Note... obtain LCL ALSTG..thru..13-31 CTAF. Add note... Obtain LCL ALSTG on CTAF, when not received use Fort Dodge ALSTG. Add Fort Dodge MIN... S-35 MDA/HA all CATS 2160/677, VIS A/B 1, C 2, D 2 1/4. Circling MDA/HAA CATS A/B/C 2160/672, D 2240/752, VIS CAT A/B 1,C 2, D 2 1/2. This becomes NDB RWY 35 ORIG A.

Jefferson

Jefferson Muni
Iowa
NDB RWY 32 AMDT 3...
Effective: 02/12/92

FDC 2/0826/EFW/ FI/P Jefferson, Muni, Jefferson, IA. NDB RWY 32 AMDT 3...S-32 All CATS MDA/HAT 1800/752, VIS CAT B 1 1/4, C 2 1/4. Circling CAT A MDA/HAA 1880/752,

Delete Note...Activate.. Thru..122.8. This becomes NDB RWY 32 AMDT 3A.

Sanford

Sanford Muni
Maine
ILS RWY 7 ORIG...
Effective: 01/31/92

FDC 2/0580/SFM/ FI/P Sanford Muni, Sanford, ME. ILS RWY 7 Orig...Change SANFD INT/OM/ENE 11.1 DME to SANFD INT/LOM/ENE 11.1 DME. LOM Identifier SF, frequency 349 KHZ. This becomes ILS RWY 7 Orig A.

Escanaba

Delta County
Michigan
ILS/DME RWY 9 AMDT 3...
Effective: 02/10/92
This corrects TL 92-03

FDC 2/0792/ESC/ FI/P Delta County, Escanaba, MI. ILS/DME RWY 9 ADMT 3...Delete Notes, "When Control Zone...Thru...Increase MDA's 240 feet.", "Activate MALSR...Thru...VASI RWYS 18-36 CTAF.", "Alternate minimums NA...Thru...Weather reporting service." Add Note, "If local altimeter not received, use Marquette Altimeter setting and increase all MDA'S 240 feet." Alternate minimums standard, ILS CAT D 700-2. This is ILS/DME RWY 9 ADMT 3A.

Akron

Akron-Canton Regional
Ohio
ILS RWY 23 AMDT 9...
Effective: 01/13/92
This corrects NOTAM in TL 92-3.

FDC 2/0187/CAK/ FI/P Akron-Canton Regional, Akron, OH. ILS RWY 23 AMDT 9...Add Note, "Auto-Pilot coupled approach NA below 1574 Ft. "This is ILS RWY 23 AMDT 9A.

Carrollton

Carroll County-Tolson
Ohio
NDB RWY 25 AMDT 5...
Effective: 02/03/92

FDC 2/0644/TSO/ FI/P Carroll County-Tolson, Carrollton, OH. NDB RWY 25 AMDT 5... Minimums Cat C and D NA. This is NDB RWY 25 AMDT 5A.

Pageland

Pageland
South Carolina
NDB RWY 23 ORIG...
Effective: 01/30/92

FDC 2/0550/PYG/ FI/P Pageland, Pageland, SC. NDB RWY 23 Orig... MSA within 25 miles PYG NDB 2300. This becomes NDB Orig A.

Winchester

Winchester Muni
Tennessee
NDB RWY 18 AMDT 4...
Effective: 01/29/92

FDC 2/0519/BGF/ FI/P Winchester Muni, Winchester, TN. NDB RWY 18 AMDT 4...Delect Feeder Route Coals to BGF NDB. This becomes NDB RWY 18 AMDT 4A.

Smyrna

Smyrna
Tennessee
NDB RWY 32 AMDT 7...
Effective: 01/29/92

FDC 2/0520/MQY/ FI/P Smyrna, Smyrna, TN. NDB RWY 32 AMDT 7...Delete Note...Activate MALSR RWY 32 and HIRL RWYS 14-32, 1-19-CATF. This becomes NDB RWY 32 AMDT 7A.

Smyrna

Smyrna
Tennessee
VOR/DME RWY 32 AMDT 11...
Effective: 01/29/92

FDC 2/0521/MQY/ FI/P Smyrna, Smyrna, TN. VOR/DME RWY 32 AMDT 11...Delete note...Activate MALSR RWY 32 and HIRL RWYS 14-32, 1-19—CTAF. This becomes VOR/DME RWY 32 AMDT 11A.

Smyrna

Smyrna
Tennessee
ILS RWY 32 AMDT 4...
Effective: 01/29/92

FDC 2/0522/MQY/ FI/P Smyrna, Smyrna, TN. ILS RWY 32 AMDT 4...Delete note...Activate MALSR RWY 32 and HIRL RWYS 14-32, 1-19—CTAF. This becomes ILS RWY 32 AMDT 4A.

Selmer

Robert Sibley
Tennessee
NDB RWY 16 AMDT 4...
Effective: 01/29/92

FDC 2/0523/SZY/ FI/P Robert Sibley, Selmer, TN. NDB RWY 16 AMDT 4...Change all reference RWY 16-34 to RWY 17-35. This becomes NDB RWY 17AMDT 4A.

Smyrna

Smyrna
Tennessee
VOR/DME RWY 14 AMDT 5...
Effective: 01/29/92

FDC 2/0524/MQY/ FI/P Smyrna, Smyrna, TN. VOR/DME RWY 14 AMDT 5...Delete note...Activate MALSR RWY 32 and HIRL RWYS 14-32, 1-19—CTAF. This becomes VOR/DME RWY 14 AMDT 5A.

Dyersburg

Dyersburg Muni
Tennessee
VOR/DME RWY 4 AMDT 1...
Effective: 01/29/92

FDC 2/0525/DYR/ FI/P Dyersburg Muni, Dyersburg, TN. VOR/DME RWY 4 AMDT 1...Change note to read... If LCL ALSTB not received, use Jackson ALSTG and increase all MDAS 140 ft. This becomes VOR/DME RWY 4 AMDT 1A.

Columbia/Mount Pleasant

Maury County
Tennessee
NDB RWY 23 AMDT 3...
Effective: 01/29/92

FDC 2/0526/MRC/ FI/P Maury County, Columbia/Mount Pleasant, TN. NDB RWY 23 AMDT 3...Change TDZE/ ARPT ELEV 677. S-23—MDA 1320/HAT 643 All CATS, VIS CAT A/B 3/4, CAT C 1¾, CAT D 2. Circling MDA 1320/HAA 643 VIS CAT A/B 1, MDA 1360/HAA 683 CAT C/D VIS CAT C 2, CAT D 2¼. Change note to read... If LCL ALSTG not received, use Nashville ALSTG and increase all MDAS 200 Ft. INOP table does not apply to CAT C. This becomes NDB RWY 23 AMDT 3A.

Columbia/Mount Pleasant

Maury County
Tennessee
SDF RWY 23 AMDT 4...
Effective: 01/29/92

FDC 2/0527/MRC/ FI/P Maury County, Columbia/Mount Pleasant, TN. SDF RWY 23 AMDT 4...Change TDZE/ ARPT 677. S-23—HAT 483 All CATS. Circling HAA 603 CATS A/B, 683 CATS C/D. This becomes SDF RWY 23 AMDT 4A.

Waverly

Humphreys County
Tennessee
VOR/DME-A AMDT2...
Effective: 01/30/92

FDC 2/0554/OM5/ FI/P Humphreys County, Waverly, TN. VOR/DME-A AMDT 2...TRML RTE from GHM VORTAC to GHM 7 DME MIN ALT 4000. This becomes VOR/DME-A AMDT 2A.

Waverly

Humphreys County
Tennessee
NDB RWY 21 AMDT 2...
Effective: 01/30/92

FDC 2/0555/OM5/ FI/P Humphreys County, Waverly, TN. NDB RWY 21 AMDT 2...TRML RTE from GHM VORTAC to AEY NDB MIN ALT 4000. This becomes NDB RWY 21 AMDT 2A.

Nashville

Nashville Intl
Tennessee
ILS RWY 31 AMDT 6...
Effective: 01/30/92

FDC 2/0557/BNA/ FI/P Nashville Intl, Nashville, TN. ILS RWY 31 AMDT 6...TCH 55. This becomes ILS RWY 31 AMDT 6A.

[FR Doc. 92-4227 Filed 2-24-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 26779; Amdt. No. 1480]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Ofice of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impratical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this admendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC, on February 14, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * *Effective April 30, 1992*

Camden, AR—Harrell Field, VOR/DME RWY 36, Amdt. 7
Hot Springs, AR—Memorial Field, VOR-1 RWY 5, Amdt. 15
Hot Springs, AR—Memorial Field, VOR-2 RWY 5, Amdt. 3
Hot Springs, AR—Memorial Field, NDB RWY 5, Amdt. 6
Ukiah, CA—Ukiah Muni, LOC RWY 15, Amdt. 5
Melbourne, FL—Melbourne Regional, VOR RWY 9R, Amdt. 19
Melbourne, FL—Melbourne Regional, ILS RWY 9R, Amdt. 9
Junction City, KS—Freeman Field, NDB-B, Amdt. 2
Madisonville, KY—Madisonville Muni, VOR RWY 23, Amdt. 12
Madisonville, KY—Madisonville Muni, VOR/DME RNAV RWY 23, Amdt. 3
Paducah, KY—Farrington Airpark, VOR/DME-B, Amdt. 3, Cancelled
Cape Girardeau, MO—Cape Girardeau Muni, VOR RWY 2, Amdt. 9
Cape Girardeau, MO—Cape Girardeau Muni, LOC/DME BC RWY 28, Amdt. 5
Cape Girardeau, MO—Cape Girardeau Muni, NDB RWY 10, Amdt. 6
Cape Girardeau, MO—Cape Girardeau Muni, ILS RWY 10, Amdt. 9
Fredericktown, MO—Fredericktown Muni, VOR-B, Amdt. 1
Fredericktown, MO—Fredericktown Muni, VOR/DME RWY 1, Amdt. 1
Broken Bow, NE—Broken Bow Muni, VOR RWY 14, Amdt. 3
Broken Bow, NE—Broken Bow Muni, NDB RWY 14, Amdt. 7
Norfolk, NE—Karl Stefan Memorial, VOR RWY 1, Amdt. 6
Norfolk, NE—Karl Stefan Memorial, VOR RWY 13, Amdt. 6
Norfolk, NE—Karl Stefan Memorial, VOR RWY 19, Amdt. 6
Norfolk, NE—Karl Stefan Memorial, VOR RWY 31, Amdt. 6
Mesquite, NV—Mesquite, VOR/DME-A, Orig.
Cross Keys, NJ—Cross Keys, VOR RWY 9, Amdt. 5
Belen, NM—Alexander Muni, VOR/DME-A, Amdt. 1
Binghamton, NY—Edwin A. Link Field/Broome Co., ILS RWY 16, Amdt. 6
Wurtsboro, NY—Wurtsboro-Sullivan County, VOR-A, Amdt. 2, Cancelled
Wurtsboro, NY—Wurtsboro-Sullivan County, VOR/DME RWY 5, Orig.
Ashtabula, OH—Ashtabula County, VOR RWY 8, Orig., Cancelled
Ashtabula, OH—Ashtabula County, VOR RWY 8, Orig.
Ashtabula, OH—Ashtabula County, VOR/DME RWY 26, Amdt. 6
Ashtabula, OH—Ashtabula County, VOR/DME RNAV RWY 26, Amdt. 6
Columbus, OH—Port Columbus Intl, LOC BC RWY 28R, Amdt. 6
Columbus, OH—Port Columbus Intl, NDB RWY 10L, Amdt. 7
Columbus, OH—Port Columbus Intl, NDB RWY 10R, Amdt. 7
Columbus, OH—Port Columbus Intl, NDB RWY 28L, Amdt. 13
Columbus, OH—Port Columbus Intl, ILS RWY 10L, Amdt. 15
Columbus, OH—Port Columbus Intl, ILS RWY 10R, Amdt. 6
Columbus, OH—Port Columbus Intl, ILS RWY 28L, Amdt. 26
Columbus, OH—Port Columbus Intl, RADAR-1, Amdt. 17
Hebron, OH—Buckeye Executive, VOR-A, Amdt. 5
Annville, PA—Millard, VOR/DME-A, Amdt. 3
Arlington, TN—Arlington Muni, LOC RWY 15, Amdt. 1
Arlington, TN—Arlington Muni, NDB RWY 15, Amdt. 7
Dyersburg, TN—Dyersburg Muni, VOR-A, Amdt. 16
Dyersburg, TN—Dyersburg Muni, VOR/DME RWY 4, Amdt. 2
Savannah, TN—Savannah-Hardin County, VOR/DME RWY 18, Amdt. 5
Savannah, TN—Savannah-Hardin County, NDB RWY 18, Amdt. 3
Dallas, TX—Redbird, VOR RWY 17, Amdt. 5
Dallas, TX—Redbird, VOR RWY 31, Amdt. 10
Dallas, TX—Redbird, NDB RWY 35, Amdt. 7
Dallas, TX—Redbird, ILS RWY 31, Amdt. 5
New Braunfels, TX—New Braunfels Muni, VOR/DME-A, Amdt. 8
New Braunfels, TX—New Braunfels Muni, NDB RWY 22, Amdt. 1
New Braunfels, TX—New Braunfels Muni, VOR/DME RNAV RWY 13, Amdt. 2
New Braunfels, TX—New Braunfels Muni, VOR/DME RNAV RWY 31, Amdt. 2
Abingdon, VA—Virginia Highlands, LOC RWY 24, Amdt. 1

** * * Effective April 2, 1992*

Covington/Cincinnati, OH, KY—Cincinnati/Northern Kentucky International, ILS RWY 18L, Amdt. 1
Covington/Cincinnati, OH, KY—Cincinnati/Northern Kentucky International, ILS RWY 36R, Amdt. 2
Frankfort, KY—Capital City, RADAR-1, Orig.
Allegan, MI—Padgham Field, VOR RWY 28, Amdt. 13
Kalamazoo, MI—Kalamazoo/Battle Creek Intl, VOR RWY 17, Amdt. 17
Kalamazoo, MI—Kalamazoo/Battle Creek Intl, VOR RWY 23, Amdt. 17
Kalamazoo, MI—Kalamazoo/Battle Creek Intl, VOR RWY 35, Amdt. 16
Kalamazoo, MI—Kalamazoo/Battle Creek Intl, LOC BC RWY 17, Amdt. 18
Kalamazoo, MI—Kalamazoo/Battle Creek Intl, NDB RWY 35, Amdt. 18
Kalamazoo, MI—Kalamazoo/Battle Creek Intl, ILS RWY 35, Amdt. 20
Kalamazoo, MI—Kalamazoo/Battle Creek Intl, RADAR-1, Amdt. 6
Columbus-West Point Starkville, MS—Golden Triangle Regional, ILS RWY 18, Amdt. 6
Morganton, NC—Morganton-Lenoir, RNAV RWY 3, Amdt. 3, Cancelled
Albany, OR—Albany Muni, VOR/DME-A, Amdt. 1
Jacksboro, TN—Campbell County, NDB RWY 23, Amdt. 4
Nashville, TN—Nashville International, ILS RWY 20L, Amdt. 2

** * * Effective February 12, 1992*

East Stroudsburg, PA—Birchwood-Pocono Airpark, VOR/DME RWY 32, Amdt. 3

[FR Doc. 92-4228 Filed 2-24-92; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 5, 225, 500, 510, 511, 514, 558, 570, and 571

[Docket No. 91N-506]

Center for Veterinary Medicine Address Change; Editorial Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending certain of its regulations to reflect the change of address for the Center for Veterinary Medicine (CVM). FDA is also editorially changing the name "Office of Compliance" in 21 CFR 570.6 to "Office of Surveillance and Compliance." This action will ensure public notice of the current address of CVM and improve the accuracy and clarity of the regulations.

EFFECTIVE DATE: February 25, 1992.

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

SUPPLEMENTARY INFORMATION: FDA is revising certain of its regulations to correct the address for CVM due to its recent relocation to 7500 Standish Pl., Rockville, MD 20855. The affected regulations are: 21 CFR 5.100, 225.115(b)(2), 500.27(d), 500.51(c), 510.112(e), 510.302(d), 510.310(f), 511.1(e), 514.1(d)(2), 558.5(c)(2), 558.15 (d) and (e), 570.6(e), and 571.1(c). FDA is also editorially changing in § 570.6 the name "Office of Compliance" to "Office of Surveillance and Compliance." These amendments are nonsubstantive, and notice and public procedure and

delayed effective date are unnecessary (5 U.S.C. 553 (b)(3)(B) and (d)).

List of Subjects

21 CFR Part 5

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

21 CFR Part 225

Animal drugs, Animal feeds, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

21 CFR Part 500

Animal drugs, Animal feeds, Cancer, Labeling, Polychlorinated biphenyls (PCB's).

21 CFR Part 510

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

21 CFR Part 511

Animal drugs, Medical research, Reporting and recordkeeping requirements.

21 CFR Part 514

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

21 CFR Part 558

Animal drugs, Animal feeds.

21 CFR Part 570

Animal feeds, Animal foods, Food additives.

21 CFR Part 571

Administrative practice and procedure, Animal feeds, Animal foods, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 5, 225, 500, 510, 511, 514, 558, 570, and 571 are amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

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

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50; 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354–360F, 361, 362, 1701–1706, 2101–2672 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b–263n, 264, 265, 300u–300u–5, 300aa–1–300ff); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

§ 5.100 [Amended]

2. Section 5.100 *Headquarters* is amended in footnote number one by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 225—CURRENT GOOD MANUFACTURING PRACTICE FOR MEDICATED FEEDS

3. The authority citation for 21 CFR part 225 continues to read as follows:

Authority: Secs. 501, 502, 512, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360b, 371, 374).

§ 225.115 [Amended]

4. Section 225.115 *Complaint files* is amended in paragraph (b)(2) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 500—GENERAL

5. The authority citation for 21 CFR part 500 continues to read as follows:

Authority: Secs. 201, 301, 402, 403, 409, 501, 502, 503, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 351, 352, 353, 360b, 371).

§ 500.27 [Amended]

6. Section 500.27 *Methylene blue-containing drugs for use in animals* is amended in paragraph (d) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

§ 500.51 [Amended]

7. Section 500.51 *Labeling of animal drugs; misbranding* is amended in paragraph (c) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 510—NEW ANIMAL DRUGS

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

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

§ 510.112 [Amended]

9. Section 510.112 *Antibiotics used in veterinary medicine and for nonmedical purposes; required data* is amended in paragraph (e) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

§ 510.302 [Amended]

10. Section 510.302 *Reporting forms* is amended in paragraph (d) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

§ 510.310 [Amended]

11. Section 510.310 *Records and reports for new animal drugs approved before June 20, 1963* is amended in paragraph (f) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 511—NEW ANIMAL DRUGS FOR INVESTIGATIONAL USE

12. The authority citation for 21 CFR part 511 continues to read as follows:

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

§ 511.1 [Amended]

13. Section 511.1 *New animal drugs for investigational use exempt from section 512(a) of the act* is amended in paragraph (e) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 514—NEW ANIMAL DRUG APPLICATIONS

14. The authority citation for 21 CFR part 514 continues to read as follows:

Authority: Secs. 501, 502, 512, 701, 706, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360b, 371, 376, 381).

§ 514.1 [Amended]

15. Section 514.1 *Applications* is amended in paragraph (d)(2) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

16. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.5 [Amended]

17. Section 558.5 *New animal drug requirements for liquid Type B feeds* is amended in paragraph (c)(2) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

§ 558.15 [Amended]

18. Section 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the*

feed of animals is amended in paragraphs (d) and (e) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 570—FOOD ADDITIVES

19. The authority citation for 21 CFR part 570 continues to read as follows:

Authority: Secs. 201, 401, 402, 408, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 346a, 348, 371).

§ 570.6 [Amended]

20. Section 570.6 *Opinion letters on food additive status* is amended in paragraph (e) by removing "Office of Compliance" and replacing it with "Office of Surveillance and Compliance", and by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

PART 571—FOOD ADDITIVE PETITIONS

21. The authority citation for 21 CFR part 571 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371); sec. 301 of the Public Health Service Act (42 U.S.C. 241).

§ 571.1 [Amended]

22. Section 571.1 *Petitions* is amended in paragraph (c) by removing "5600 Fishers Lane, Rockville, MD 20857" and replacing it with "7500 Standish Pl., Rockville, MD 20855".

Dated: February 19, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4274 Filed 2-24-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 184

[Docket No. 89G-0126]

Direct Food Substances Affirmed as Generally Recognized as Safe; Chymosin Enzyme Preparation Derived From Genetically Modified Kluyveromyces Marxianus (Hansen) Van Der Walt Variety Lactis (Dombrowski) Johannsen et Van Der Walt

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to affirm that the use of chymosin preparation derived by fermentation from genetically modified *Kluyveromyces marxianus* (Hansen) Van Der Walt variety *lactis* (Dombrowski) Johannsen et Van Der Walt (*K. marxianus* var. *lactis*) is generally recognized as safe (GRAS). This action is in response to a petition filed by Gist-brocades, Inc.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Vincent Zenger, Center for Food Safety and Applied Nutrition (HFF-333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the procedures described in § 170.35 (21 CFR 170.35), Gist-brocades, Inc., P.O. Box 241068, Charlotte, NC 28224, submitted a petition (GRASP 9G0349) requesting that its chymosin preparation (referred to as "chymosin" in the notice of filing of the Gist-brocades petition that FDA published in the **Federal Register** of May 10, 1989 (54 FR 20203)), which is derived from the fermentation of genetically modified *K. marxianus* var. *lactis*, be affirmed as GRAS for use as a direct human food ingredient. Chymosin is the principal enzyme in rennet, a GRAS food ingredient used for its milk-clotting activity, and is primarily responsible for that activity. Chymosin preparation is intended for use as a substitute for rennet.

To avoid confusion between chymosin, the enzyme, and chymosin, the enzyme preparation (in which chymosin is the principal active component, but which also may contain impurities), this document will use the term "chymosin" to refer to the enzyme and "chymosin preparation" to refer to the fermentation-derived chymosin enzyme preparation.

In the May 10, 1989, notice of filing, FDA gave interested parties an opportunity to submit comments to the Dockets Management branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. In response to the notice, FDA received one comment which was from a cheese manufacturer, and expressed a desire to have available an alternate source of chymosin. The comment contained no information relevant to the safety, functionality, environmental impact, or the GRAS status of the food use of the subject chymosin preparation. Thus, the comment requires no response by FDA.

II. Standards for GRAS Affirmation

Pursuant to § 170.30 (21 CFR 170.30), general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances. The basis of such views may be either: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, through experience based on common use in food. General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence required for approval of the substance as a food additive and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (§ 170.30(b)). In its petition, Gist-brocades, Inc., relies upon scientific procedures to establish that its chymosin preparation is GRAS.

Rennet is an animal-derived enzyme preparation that is GRAS as specified in § 184.1685 (21 CFR 184.1685). Therefore, if published information shows that the principal active component of chymosin preparation is the same as that of rennet, and that the other components (i.e., the impurities) of the chymosin preparation, which may differ from the other components (i.e., the impurities) of rennet, do not render the use of the substance unsafe, then chymosin derived from *K. marxianus* var. *lactis* would present no more safety concern than rennet. If this is the case, FDA can affirm the chymosin preparation derived from *K. marxianus* var. *lactis* as GRAS for use as a replacement for rennet.

III. Safety

A. Introduction

Chymosin, also known as rennin, is the principal milk-clotting enzyme present in rennet (Ref. 1). Rennet is an enzyme preparation that will clot milk, forming curds and whey (Refs. 1 and 2). It is used to make cheese and other dairy products. Rennet has a long and extensive history of safe use in food and has been affirmed by FDA as GRAS in § 184.1685 (Refs. 3 and 4).

Food-grade rennet is an enzyme preparation that is isolated from the fourth stomach of calves, kids, or lambs. Commercially, it is generally derived by the aqueous extraction of unweaned calf stomachs. The aqueous extraction step is followed by purification steps and an acidification step to cleave prochymosin (the inactive precursor of chymosin) in the rennet into chymosin (Ref. 1).

There are two predominant forms of calf chymosin, chymosin A and chymosin B (Ref. 1). Foltmann et al. (Ref. 5) have shown that chymosin A and chymosin B differ by a single amino acid. In this document, the term

"chymosin" refers to either, or both, chymosin A and chymosin B.

Techniques developed in the early 1970's (frequently termed "recombinant DNA technology," or "cloning techniques") enable scientists to locate and to obtain a segment of deoxyribonucleic acid (DNA) containing a gene of interest. They are able to move that DNA segment into a vector (a DNA molecule that is easy to manipulate) and then introduce it into a new host organism where it can be correctly expressed (that is, produce the protein that it would have produced in the original organism). These techniques are well known to molecular biologists (Refs. 6 and 7).

B. Chymosin Component

Using cloning techniques, scientists in several laboratories have identified in the calf the prochymosin gene from which the chymosin in rennet is produced (Refs. 8, 9, and 10). Scientists have transferred the calf prochymosin gene into *K. marxianus* var. *lactis* as well as into other microorganisms (Refs. 8 through 16).

These scientists have used a variety of techniques to demonstrate that they have cloned full-length copies of the correct gene. Such techniques include: (1) DNA sequencing, whereby the putative cloned prochymosin gene was shown to have the nucleotide sequence that encodes the amino acid sequence of prochymosin (Refs. 8, 9, and 10); (2) nucleic acid hybridization, whereby the cloned DNA fragments or the ribonucleic acid molecules transcribed (copied) from the DNA fragments were shown to hybridize (i.e., specifically bind) with complementary DNA in the prochymosin gene (Refs. 9 through 12, 14, and 15); and (3) physical mapping, whereby the cloned DNA segments were shown to be large enough to contain the prochymosin gene and, when specifically cut with appropriate DNA cutting enzymes and run on gels to separate the resulting DNA fragments by size, were shown to yield the pattern of DNA fragments expected from the prochymosin gene (Refs. 9 through 12, and 14 through 16).

The published evidence establishes that the new host organisms are able to use the prochymosin gene to produce prochymosin that has the same molecular weight as the prochymosin found in calf rennet (Refs. 12, 14, and 15 through 18). This evidence also establishes that the prochymosin that is produced (cloned prochymosin) can be cleaved into chymosin (cloned chymosin) that has the same molecular weight and the same functional activity as chymosin found in calf rennet (Refs. 11, 12, and 15 through 19).

The molecular weights of prochymosin and chymosin were assayed, using sodium dodecyl sulfate polyacrylamide gel electrophoresis, a technique that allows determination of the comparative molecular weight of proteins based on their rate of migration through the gel. Cloned prochymosin was found to migrate through these gels at the same rate as the prochymosin derived from calves (Refs. 12, 14, and 15 through 18). Cloned chymosin was found to migrate through these gels at the same rate as the chymosin found in rennet (Refs. 11, 12 and 15 through 19).

The functional activity of chymosin that was measured was milk-clotting activity. Cloned chymosin was found to clot milk at the same rate as the chymosin in rennet under various temperatures, salt concentrations, and pH conditions (Refs. 11, 12, 14, 15 through 18, 20, and 21).

One safety concern raised by cloning is whether extraneous DNA, particularly DNA flanking the gene of interest which could potentially encode extraneous harmful proteins, may be cloned along with the gene of interest (i.e., the prochymosin gene).

As a matter of current good manufacturing practice, manufacturers using recombinant DNA technology must be sure that they have not inadvertently cloned extraneous protein-encoding DNA along with the prochymosin gene. Such assurance can come from reviewing the details of the cloning steps, such as the origin and sequence of all the DNA fragments, and from full characterization of the final genetic constructs via techniques such as DNA sequencing. The agency finds that the petition of Gist-brocades, Inc., contains information demonstrating that the firm conducted these steps and that the strain does not include extraneous protein-encoding DNA along with the prochymosin gene.

Furthermore, the amended regulation stipulates that the substance being affirmed as GRAS is one that is produced using a production strain that is nontoxigenic. (See § 184.1685(a)(3).) If the cloned DNA encodes a harmful substance that could render the enzyme preparation unsafe, the production strain would be considered toxigenic, and the substance produced would not be GRAS under § 184.1865(a)(3). Therefore, the agency finds that there is no basis for concern that the safety of the chymosin preparation will be compromised by contaminating proteins encoded by extraneous uncharacterized DNA cloned along with the prochymosin gene.

Based on the fact that published information demonstrates that chymosin produced from the cloned prochymosin gene has the same molecular weight and the same functional activity as the chymosin derived from calves, FDA concludes that the chymosin enzyme in this chymosin preparation is the same as the chymosin enzyme in calf rennet. Therefore, FDA concludes that the chymosin enzyme in this chymosin preparation is as safe as the chymosin enzyme in rennet.

C. Sources of Impurities

Enzyme preparations used in food-processing are not chemically pure but contain extraneous source (cellular and processing) materials. The nature and amounts of these materials in the finished enzyme preparation depend on the organism from which the enzyme preparation is produced (the source or production organism), the fermentation materials and methods used to grow the production organism, and the materials and methods used to generate the finished enzyme preparation.

Both the source material and the manufacturing methods for producing the chymosin preparation differ from those used to produce animal rennet. Therefore, the impurities in the chymosin preparation will differ from those in rennet. The question thus is whether the source material or manufacturing methods for the chymosin preparation will introduce impurities that would raise concerns about the safety of the preparation.

1. Processing Steps

Researchers in several laboratories have published papers describing methods that they used for producing chymosin preparation from microorganisms containing the calf prochymosin gene (Refs. 11, 12, 14 through 19, and 22). The enzyme that is the subject of this petition is secreted from the production organism during fermentation and therefore, is an extracellular enzyme product. Thus, it is not necessary to disrupt the cells to recover the enzyme. Extracellular enzymes account for approximately three-fourths of the market for fermentation-derived enzymes, and the techniques used in their production and processing are well-known (Ref. 23). The processing methods described by Gist-brocades, Inc., in this petition do not differ in any significant way from the published methods used to produce extracellular enzymes generally. The

key steps described by Gist-brocades, Inc., are summarized below.

K. marxianus var. *lactis* is grown in a liquid nutrient medium. The aerobic growth phase of the fermentation step is monitored and allowed to continue until laboratory analyses show that the maximum production of the desired enzyme activity has been achieved. The fermentation is stopped by lowering the pH of the fermentation broth to 2 by adding sulfuric acid and sodium benzoate. The low pH induces the conversion (autocatalysis) of prochymosin to chymosin. The cell material is separated from the chymosin-containing fraction of the broth by filtration. The supernatant is then sterilized by filtration and subjected to ultrafiltration to concentrate the chymosin to the desired enzymatic activity. The chymosin preparation is formulated with sodium chloride and stabilizers (Ref. 24).

FDA finds that the Gist-brocades manufacturing method does not require the use of any processing materials that are not GRAS or not approved food additives. Accordingly, in the amended regulation, the agency specifies that the substance being affirmed as GRAS is one that is produced using only processing materials that are GRAS substances or food additives approved for use in this type of process.

Therefore, the agency concludes that the manufacturing steps will not introduce impurities into the enzyme preparation that will adversely affect the safety of the chymosin preparation.

2. Production Organism

The source material for the chymosin in the chymosin preparation that is the subject of the final rule set forth below is the production organism *K. marxianus* var. *lactis*. The currently accepted classification of the organism is *K. marxianus* (Hansen) van der Walt variety *lactis* (Dombrowski) Johannsen et van der Walt (Refs. 25 through 27). In the regulation, this organism will be referred to as *K. marxianus* var. *lactis*. Previously, FDA reviewed the safety of the use of *K. marxianus* var. *lactis* (previously named *K. lactis*) as a source of lactase enzyme preparation and concluded that the organism is nonpathogenic and nontoxigenic, and thus, generally recognized as safe (21 CFR 184.1388).

The strain of *K. marxianus* var. *lactis* used in the production of the chymosin preparation that is the subject of the amendment of the regulation was genetically modified by the introduction of the prochymosin gene. The petitioner conducted several studies to determine whether the genetic modification of *K. marxianus* var. *lactis* to produce chymosin altered the safety of the organism; these studies are corroborative evidence of the organism's safety. In one study, the production organism was tested for pathogenicity in mice; this study confirmed that the genetic modification of the organism did not render the organism pathogenic. As additional corroborative evidence of the safety of the chymosin preparation, the petitioner submitted five unpublished in vivo toxicity studies in rats fed either the Gist-brocades chymosin preparation or cheese produced with this chymosin preparation. The studies were: (1) An acute oral toxicity study of the Gist-brocades chymosin preparation; (2) a short-term oral toxicity study with cheese made with the chymosin preparation added to the feed; (3) a 91-day subchronic oral toxicity study of the chymosin preparation; (4) a 91-day subchronic feeding study with cheese made using the chymosin preparation; and (5) a passive cutaneous anaphylaxis of the chymosin preparation. In these five studies, no significant adverse effects were observed in rats fed either the chymosin preparation or cheese manufactured with the chymosin preparation.

Some *K. marxianus* var. *lactis* strains, such as those that are used by Gist-brocades, Inc., and others to produce chymosin preparation, contain marker genes that encode resistance to clinically useful antibiotics. Such genes could potentially be transferred to other microorganisms with which the production strain or its DNA comes into contact. However, as previously described, the procedure used to manufacture the chymosin preparation eliminates most cellular material, reducing the likelihood of DNA contamination of the chymosin preparation. Additionally, the acid treatment step in the manufacturing process inactivates residual cells and degrades residual DNA, including marker genes, that remain in the enzyme preparation (Ref. 28).

As corroborative evidence that the enzyme preparation does not contain transformable DNA (that is, DNA that a microorganism can take up from its surroundings and functionally incorporate into its own DNA), Gist-brocades, Inc., submitted data from unpublished transformation experiments. In the transformation assay, bacterial cells were mixed with DNA under optimized conditions and assayed to see if they picked up the antibiotic resistance encoded by the DNA. In the case of the Gist-brocades enzyme preparation, cells mixed with the preparation did not become antibiotic-resistant (Ref. 29), Based on the foregoing evidence, FDA concludes that chymosin preparation manufactured in conformity with § 184.1685(a)(3) will not contain DNA encoding resistance to antibiotics at levels that would produce any safety concern.

Having considered the evidence concerning the processing steps and the production organism, FDA concludes that *K. marxianus* var. *lactis* is safe for use as a source of food-grade chymosin preparations, and that impurities resulting from its use in the production of the chymosin preparation will not affect the safety of that preparation.

IV. Specifications

The agency finds that, because the principal active ingredient of the chymosin preparation and rennet are the same, and because the impurities in chymosin preparation do not provide any basis for concern about the safe use of the preparation, the general requirements for enzyme preparations in § 184.1685(b) are adequate for defining minimum criteria for a food-grade chymosin preparation derived from *K marxianus* var. *lactis*.

V. Conclusion

The agency has evaluated all available information, and finds, based on the published and corroborative evidence discussed above, that the active principal ingredient in the chymosin preparation is the same as that in rennet, and that when the preparation is manufactured in accordance with § 184.1685(a)(3), the source organism and manufacturing process will not introduce impurities into the preparation that may render the preparation unsafe. Therefore, the agency concludes, based upon scientific procedures, that the chymosin preparation derived by fermentation from *K. marxianus* var. *lactis* and described in the regulation (21 CFR 184.1685(a)(3)) is GRAS for use as a replacement for rennet.

VI. Environmental Effects

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

VII. Economic Effects

In accordance with the Regulatory Flexibility Act, the agency considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action.

In accordance with Executive Order 12291, FDA has analyzed the potential economic effects of this final rule. The agency has determined that the rule is not a major rule as defined by the Executive Order.

The agency's finding of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

VIII. References

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 am. and 4 p.m., Monday through Friday.

1. Foltmann, B., "Prochymosin and Chymosin (Prorennin and Rennin)," Methods in Enzymology, 19:421–436, 1970.
2. Burgess, K., M. and Shaw, "Dairy," Industrial Enzymology, Godfrey, T., and J. Reichelt, editors, The Nature Press, New York, pp. 260–265, 1983.
3. **Federal Register**, 48 FR 51151, November 7, 1983.
4. **Federal Register**, 55 FR 10932, March 23, 1990.
5. Foltmann, B. et al., "The Primary Structure of Calf Chymosin," Journal of Biological Chemistry, 254:8447–8451, 1979.
6. Murray, K., "Genetic Engineering and Its Applications," Basic Biotechnology, Bu'Lock, J., and B. Kristiansen, editors, Academic Press, London, pp. 483–508, 1987.
7. Watson, J. D. et al., "Molecular Biology of the Gene," Benjamin/Cummings Publishing Co., Inc., Menlo Park, CA, pp. 65–94, 202–213, 1987.
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15. McCaman, M. T., W. H. Andrews, and J. G. Files, "Enzymatic Properties and Processing of Bovine Prochymosin Synthesized in *Escherichia coli*," Journal of Biotechnology, 2:177–190, 1985.
16. Mellor, J. et al., "Efficient Synthesis of Enzymatically Active Calf Chymosin in *Saccharomyces cerevisiae*," Gene, 24:1–14, 1983.
17. Kawaguchi, Y. et al., "Production of Chymosin in *Escherichia coli* Cells and its Enzymatic Properties," Agricultural and Biological Chemistry, 51:1871–1877, 1987.
18. Marston, F. A. O. et al., "Purification of Calf Prochymosin (Prorennin) in *Escherichia coli*," Bio/Technology, 2:800–804, 1984.
19. Van den Berg, J. A. et al., "*Kluyveromyces* as a Host for Heterologous Gene Expression: Expression and Secretion of Prochymosin," Bio/Technology, 8:135–139, 1990.
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29. Petition 9G0349.

List of Subjects in 21 CFR Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. Section 184.1685 is amended by adding new paragraph (a)(3) to read as follows:

§ 184.1685 Rennet (animal-derived) and chymosin preparation (fermentation-derived).

(a) * * *

(3) Chymosin preparation is a clear solution containing the active enzyme chymosin (E.C. 3.4.23.4). It is derived, via fermentation, from a nonpathogenic and nontoxigenic strain of *Kluyveromyces marxianus* variety *lactis*, containing the prochymosin gene. The prochymosin is secreted by cells into fermentation broth and converted to chymosin by acid treatment. All materials used in the processing and formulating of chymosin must be either generally recognized as safe (GRAS), or be food additives that have been approved by the Food and Drug Administration for this use.

* * * * *

Dated: February 13, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4226 Filed 2–24–92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 201, and 202

[Docket No. R-92-1496; FR-2623-C-03]

Introduction; Title I Property Improvement and Manufactured Home Loans; Approval of Lending Institutions; Reform of the Title I Program; Corrections

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

ACTION: Final rule; corrections.

SUMMARY: This document corrects certain editorial and typographical errors in the Department's final rule which was published in the **Federal Register** on October 18, 1991 (56 FR 52414). The October 18, 1991 final rule amended 24 CFR parts 200, 201, and 202 with regard to the insurance of lenders against losses sustained as a result of borrower defaults on property improvement and manufactured home loans.

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, or (202) 708-4594 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On October 18, 1991 (56 FR 52414), the Department published a final rule implementing major changes to reform the title I property improvement and manufactured home loan programs. The effective date of the final rule was November 18, 1991.

Since the final rule was published, the Department has discovered certain typographical and editorial errors in the amendatory instructions for several of the amendments made to 24 CFR part 201, and in §§ 201.26(a)(6)(i), 201.50(a), and 201.54(c)(1). This document corrects these errors.

In addition to these errors, the final rule also incorrectly cited the OMB control number for the information collection requirements in §§ 202.1, 202.3, 202.5, and 202.6 in the final rule. The OMB control number was incorrectly given as "2502-0328". The correct number is "2502-0017." This document makes this correction as well.

The preamble to the final rule, which provides background information on the program reforms, also contained a number of typographical and editorial errors. The Department discovered six typographical and editorial errors in the preamble, which the Department believes are important to identify and correct because these errors may be misleading as to the intended meaning of certain of the regulatory provisions. These preamble errors are corrected by this document.

Accordingly, the following corrections are made to FR Doc. 91-24721, published on October 18, 1991 at 56 FR 52414.

In the preamble, the following corrections are made:

1. On page 52414, in numbered paragraph 2 in both the first and second columns, the apostrophe after the word "dealers" is replaced by a comma.

2. On page 52414, in numbered paragraph 3 in both the first and second columns, the comma after the word "dealers" (the second time this word appears), is replaced by an apostrophe.

3. On page 52415, in the first full paragraph in the first column, the phrase "applying for approval" in the second sentence is replaced by "approved." This change is made to agree with the clear language on applicability of the net worth and line of credit requirements in the text of the regulation.

4. On page 52416, in the first full paragraph in the second column, the last sentence is corrected to read "Therefore, partnerships will not be eligible to be Title I lending institutions, unless they can show that they are permanent organizations having succession."

5. On page 52423, in the first full paragraph in the third column, the phrase "dealer and the borrower" in the third sentence is replaced by "dealer or the borrower".

6. On page 52425, in the third column, the word "purchases" in the last line of the manufacturer's certification is replaced by "purchaser".

In the regulatory text, the following corrections are made:

PART 201—[CORRECTED]

7. On page 52428, in the first column, the amendatory instruction 4 should read:

"4. Section 201.2 is amended by removing paragraph (ii); by redesignating paragraphs (g) through (o) as paragraphs (h) through (p); by redesignating paragraphs (p) through (hh) as paragraphs (r) through (jj); by redesignating paragraphs (jj) through (ll) as paragraphs (kk) through (mm); by adding new paragraphs (g) and (q); and by revising paragraph (c) and newly redesignated paragraphs (h), (i), (o), (r), (ll)(2), and (mm), to read as follows:"

8. On page 52431, in the second column, the amendatory instruction 14 should read:

"14. Section 201.22 is amended by removing paragraph (a)(5); by redesignating paragraphs (a) (3), (4), and (6) as paragraphs (a) (4), (5), and (10), respectively; by adding new paragraphs (a) (3), (6), (7), (8), and (9); and by revising paragraphs (a)(2) and (b), to read as follows:"

9. On page 52432, in the first column, the amendatory instruction 16 should read:

"16. Section 201.25 is amended by removing paragraph (b)(2)(v); by revising paragraphs (b)(1)(iii)-(v), (b)(2)(ii)-(iv), and (c)(5), (8), (10), and (11); and by adding new paragraphs (b)(1)(vi), (c)(12), and (d), to read as follows:"

10. On page 52432, in the second column, the amendatory instruction 17 should read:

"17. Section 201.26 is amended by revising paragraphs (a)(1), (2) and (5)(ii); by redesignating paragraph (a)(6) as (a)(7); by removing paragraphs (b)(6) and (10); by redesignating paragraph (b)(9) as (b)(8); and by revising paragraphs (b)(2)(iii) and (iv), (3)(i), (iii), (v), and (vi), (4), (6), and (7); and by adding new paragraphs (a)(6) and (b)(3)(vii), to read as follows:"

11. On page 52432, in the third column, § 201.26(a)(6)(i) is corrected to read as follows:

§ 201.26 Conditions for loan disbursement.

(a) * * *

(6) * * *

(i) States that the loan will be insured by HUD and describes the actions the Secretary may take to recover the debt if the borrower defaults on the loan and an insurance claim is paid;

* * * * *

§ 201.50 [Corrected]

12. On page 52434, in the third column, § 201.50 is corrected by removing "(1)" following the heading of paragraph (a).

13. On page 52434, in the third column, § 201.54(c)(1) is corrected to read as follows:

§ 201.54 Insurance claim procedure.

* * * * *

(c) *Resubmitted and supplemental claims.* (1) Any insurance claim which is resubmitted with an appeal of a claim denial or a request for a waiver of the regulations in accordance with § 201.5(b) shall be filed within six months after the date of the claim denial.

* * * * *

PART 202—[CORRECTED]

14. On page 52436, in the second column, the OMB approval number at the end of § 202.1 is corrected to read as follows:

§ 202.1 Approval of financial institutions.

* * * * *

(Approved by the Office of Management and Budget under control number 2502-0017.)

15. On page 52437, in the first column, the OMB approval number at the end of § 202.3 is corrected to read as follows:

§ 202.3 General approval requirements.

* * * * *

(Approved by the Office of Management and Budget under control number 2502-0017.)

16. On page 52437, in the second column, the OMB approval number at the end of § 202.5 is corrected to read as follows:

§ 202.5 Requirements for nonsupervised lenders.

* * * * *

(Approved by the Office of Management and Budget under control number 2502-0017.)

17. On page 52437, in the third column, the OMB approval number at the end of § 202.6 is corrected to read as follows:

§ 202.6 Requirements for loan correspondents.

* * * * *

(Approved by the Office of Management and Budget under control number 2502-0017.)

Dated: February 18, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-4186 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Kansas; State Program Provisions and Amendments Disapproved

CFR Correction

In title 30 of the Code of Federal Regulations, part 700 to end, revised as of July 1, 1991, on pages 489 and 490, § 916.12 appears twice. When § 916.12 was revised at 53 FR 39470, October 7, 1988, the superseded text was incorrectly retained in the volume.

Therefore, the second version of § 916.12 appearing on pages 489 and 490 is removed.

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[File No. E-89-297, FCC No. 92-36]

Interchange Common Carrier Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Memorandum Opinion and Order denies in part and dismisses in part AT&T Communications' formal complaint filed against MCI Telecommunications Corporation alleging that MCI provides common carrier telecommunications services to customers at rates, and on terms and conditions, that are not filed or contained in interstate tariffs, in violation of section 203 of the Communications Act. The effect of this order will be to protect customers' reliance interests in Commission rules and to benefit the public by ensuring that fundamental Commission's rules are not amended in a two-party adjudicatory proceeding.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Gary Phillips, (202) 632-4047, or Andy Lachance, (202) 632-4047, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: On August 7, 1989, AT&T Communications filed a formal complaint with this Commission pursuant to sections 206 and 208 of the Communications Act alleging that MCI Telecommunications Corporation provides common carrier telecommunications services to several customers at rates, and on terms and conditions, that are not filed or contained in interstate tariffs, in violation of section 203 of the Act.

We now deny AT&T's complaint in part and dismiss it in part. We deny AT&T's complaint insofar as it claims that MCI is liable for damages because its practice of providing service off-tariff violates section 203 of the Act. Any off-tariff service offerings by MCI have been made pursuant to rules promulgated by the FCC in orders that were not challenged on review and have long since become final. We will not award damages against MCI based simply on allegations made years later that the rules to which MCI conformed its conduct are beyond our authority to adopt.

We also dismiss AT&T's complaint insofar as it seeks prospective relief enjoining MCI from providing off-tariff services. This claim, while nominally stated in terms of a request for relief against MCI, is in practical effect a challenge to the Commission's previously adopted and effective forbearance rule.

The Commission's forbearance rule was adopted in a notice and comment rulemaking proceeding and has been in place for almost ten years. This rule represents one of the cornerstones of our regulation of the long-distance industry. Any change in this fundamental policy would have a significant impact on a broad range of customers and providers of telecommunications services across the nation. It would be inappropriate for us to consider a modification or repeal of this policy, with so potentially widespread an impact, in the context of a two-party adjudicatory proceeding, as opposed to a rulemaking proceeding. In a rulemaking, all interested parties will have the opportunity to comment. In addition, a rulemaking proceeding will permit us to address our forbearance rule as it applies to all nondominant carriers, and to consider and implement any changes that we may make to it on an industry-wide basis. Given the fundamental importance of these matters, the coordinated and comprehensive approach made possible by a rulemaking will reduce industry uncertainty, while ensuring the smoothest possible transition to any new rules that may be necessary.

I. Ex Parte Rules

In light of the interrelationship between this proceeding and the Notice of Proposed Rulemaking we adopt today, to the extent this complaint proceeding remains pending through a petition for reconsideration or appeal of this order, the proceeding will henceforth be deemed a non-restricted proceeding under the Commission's *ex parte* rules. Ex parte presentations will be permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission Rules.

II. Ordering Clause

For the reasons set forth above, pursuant to 47 U.S.C. 208, *It is Ordered*, That AT&T's above-referenced complaint is denied in part and dismissed in part.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-4064 Filed 2-24-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-173; RM-7171]

Radio Broadcasting Services; Doolittle, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 283A to Doolittle, Missouri, as that community's first local service in response to a petition filed by Howard Smith. See 55 FR 12870, April 6, 1990. The coordinates for Channel 283A are 37-55-01 and 91-55-18. There is a site restriction 4.4 kilometers (2.8 miles)

southwest of the community. With this action, this proceeding is terminated.

DATES: Effective April 3, 1992. The window period for filing applications will open on April 6, 1992, and close on May 6, 1992.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 90-173, adopted February 7, 1992, and released February 18, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Doolittle, Channel 283A.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-4067 Filed 2-24-92; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 57, No. 37
Tuesday, February 25, 1992

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A and Chapters I-XLI
9 CFR Chapters I-III
36 CFR Chapter II
48 CFR Chapter 4

Regulatory Review

AGENCY: Department of Agriculture.

ACTION: Request for comments.

SUMMARY: In response to the President's regulatory review initiative, this notice requests public comments on how Departmental regulations can be improved, updated or streamlined to remove unnecessary regulatory burdens which impede economic growth, or simplified and made more "user friendly."

DATES: To the extent possible, comments received by March 13, 1992 will be considered. Because of the short time period provided to complete the review, we would appreciate comments being filed earlier, if possible.

ADDRESSES: Comments should be submitted to the agency responsible for the regulation or program within the Department of Agriculture at the following addresses. To the extent comments are considered, the Department will include any such comments relevant to pending rulemaking procedures in the dockets for those rules. The following list includes the Department's principal agencies; general comments should be sent to the address for the Office of the Secretary.

Agricultural Marketing Service (AMS)
Katherine E. Dennis, USDA AMS Legislative Staff, room 3510-S, P.O. Box 96456, Washington, DC 20250-6456

Agricultural Research Service (ARS)
Dr. Arthur Nies, Associate Deputy Administrator, USDA Agricultural Research Service, room 814, 6303 Ivy Lane, Greenbelt, MD 20770-1433, (301) 344-3264

Agricultural Stabilization and Conservation Service (ASCS)
Keith D. Bjerke, USDA Agricultural Stabilization and Conservation Service, 14th & Independence Avenue, SW., room 3086-S, Washington, DC 20250, (202) 720-3467

Animal Plant and Health Inspection Service (APHIS)
Nancy Chamberlain, Chief, Regulatory Analysis and Development, USDA APHIS, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8682

Commodity Credit Corp (CCC)
Comments on domestic programs should be sent to Keith D. Bjerke, USDA Agricultural Stabilization and Conservation Service, 14th & Independence Avenue, SW., room 3086-S, Washington, DC 20250, (202) 720-3467
Comments on foreign programs should be sent to Larry Walker, USDA Foreign Agricultural Service, 14th & Independence Avenue, SW., room 4957-S, Washington, DC 20250, (202) 720-9180

Cooperative State Research Service (CSRS)
Terry Pacovsky, Director, Awards Management Division, USDA CSRS, room 322, Aerospace Building, 901 D Street, SW., Washington, DC 20250-2200, (202) 401-5024

Economic Research Service (ERS)
Al French, USDA Office of Energy, room 227-E, 14th & Independence, SW., Washington, DC 20250, (202) 720-4737

Extension Service (ES)
Gene Spory, Director, Cooperative Management Staff, USDA Extension Service, room 3912-S, 14th & Independence, SW., Washington, DC 20250, (202) 720-6223

Farmers Home Administration (FmHA)
Chris Goettelmann, Chief, Regulations Analysis and Control Branch, USDA Farmers Home Administration, room 6348-S, 14th & Independence Ave., SW., Washington, DC 20250, (202) 720-9725

Federal Crop Insurance Corporation (FCIC)
Peter F. Cole, USDA Federal Crop Insurance Corporation, 14th & Independence Avenue, SW., Washington, DC 20250, (703) 235-1168

Federal Grain Inspection Service (FGIS)
George Wollam, Federal Grain Inspection Service, USDA, room 0619-S, P.O. Box 96454, Washington, DC 20090-6454, (202) 720-0292

Food and Nutrition Service (FNS)
Betty Jo Nelsen, Administrator, Food and Nutrition Service, room 803, 3101 Park Center Drive, Alexandria, VA 22302, (703) 365-2062

Food Safety and Inspection Service (FSIS)
Patricia Stolfa, International Programs, Food Safety and Inspection Service, room 341-E, Washington, DC 20250, (202) 720-3473

Foreign Agricultural Service (FAS)
Larry Walker, USDA Foreign Agricultural Service, 14th & Independence Avenue, SW., room 4957-S, Washington, DC 20250, (202) 720-9180

Forest Service (FS)
Marian Connolly, Regulatory Officer, Forest Service, USDA (809 RPE), P.O. Box 96090, Washington, DC 20090-6090, (703) 235-1488

National Agricultural Statistics Service (NASS)
Al French, Office of Energy, room 227-E, 14th & Independence Avenue, SW., Washington, DC 20250, (202) 720-4737

Office of Energy (OE)
Al French, Office of Energy, room 227-E, 14th & Independence Avenue, SW., Washington, DC 20250, (202) 720-4737

Office of the Secretary
Diane Liesman, Director, USDA Office of the Executive Secretariat, room 200-A, 14th & Independence Avenue, Washington, DC 20250, (202) 720-7631.

Packers and Stockyards Administration (PSA)
Calvin W. Watkins, Deputy Administrator, USDA, room 3039-S, 14th & Independence Avenue, Washington, DC 20250, (202) 720-7063.

Rural Electrification Administration (REA)
William F. Albrecht, Director, Program Support Staff, Rural Electrification Administration, room 2234-S, 14th & Independence Avenue, Washington, DC 20250-1500, (202) 720-0736.

Soil Conservation Service (SCS)
Michael F. King, Director,

Administrative Service Division, Soil Conservation Service, room 6016–S, 14th & Independence Avenue, Washington, DC 20250–1400, (202) 720–4811.

FOR FURTHER INFORMATION CONTACT: Tim Obst, USDA Office of the General Counsel, room 107W, 14th & Independence Avenue, Washington, DC 20250–1400, (202) 720–9190.

SUPPLEMENTARY INFORMATION: In the State of the Union Address on January 28, 1992, President Bush announced a 90-day moratorium on new regulations and a concurrent review of existing regulations. In a January 28, 1992, memorandum to certain Department and Agency heads, the President directed that agencies set aside a 90-day period "to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth."

The President directed the Department to work with the public, other interested agencies, the Office of Information and Regulatory Affairs of OMB, and the Council on Competitiveness to (i) identify each of the "agency's regulations and programs that impose a substantial cost on the economy and (ii) determine whether each such regulation or program adheres to the following standards:

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

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

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

(d) Regulations should incorporate market merchanisms to the maximum extent possible.

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

The Department will also review the regulations to ensure they are as accessible and "user friendly" as possible. Within the bounds of its authority, the Department will propose administrative changes (including repeal, where appropriate) that will bring each regulation and program into conformity with these standards.

At the end of the 90 days, the Department will submit a report to the President indicating the regulatory changes made or recommended and the potential savings to the economy of those changes, including an estimate of the number of jobs that will be created. The report will include a summary of the regulatory programs that are left unchanged and an explanation of how such programs are consistent with the regulatory standards. The Department also intends to continue its regulatory review pursuant to these principles after the conclusion of the 90-day period directed by the President.

Regulations can occasionally take on a life of their own long after they have outserved their usefulness or been overtaken by technological, economic or legal innovations. The President's regulatory review intiative presents an excellent opportunity to improve the manner in which the Department interacts with the public. This effort should assist in benefitting the economy, enhancing job creation and making the government regulatory process more responsive and understandable to the public. The Department is committed to proceeding on this important initiative in as open and receptive a manner as possible.

This notice solicits comments from the public on the Department's regulations and programs. In particular, we would appreciate comments that identify programs and regulations which impose a substantial cost on the economy, are unnecessarily burdensome, impose needless costs, or are unnecessarily difficult for the public to access or to follow. We would also appreciate suggestions on how regulations and programs can be designed to incorporate market mechanisms, utilize performance standards instead of prescriptive command-and-control requirements, and provide clarity and certainty to the affected communities so as to avoid needless litigation.

Alan Charles Raul,

General Counsel, Department of Agriculture.

[FR Doc. 92–4336 Filed 2–21–92; 12:02 pm]

BILLING CODE 3410–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 15

Changes in Reporting Levels for Large Trader Reports

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission) is proposing to amend part 15, 17 CFR part 15 (1991), of its regulations to raise the reporting levels at which futures commission merchants (FCMs), clearing members, foreign brokers and traders must file large trader reports in 19 commodities. These increases are summarized in Table 1.

DATES: Comments on this proposed rulemaking should be submitted on or before March 26, 1992.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, Telephone (202) 254–6314.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Division of Economic Analysis, 2033 K Street, NW., Washington, DC 20581, Telephone (202) 254–3310.

SUPPLEMENTARY INFORMATION:

I. Background

Reporting levels are set in futures to ensure that the Commission receives adequate information to carry out its market surveillance programs. These are designed to detect and prevent market congestion and price manipulation and to enforce speculative position limits. In addition, the information serves as a basis to gauge overall hedging and speculative uses of the futures markets, use of the markets by foreign participants and other matters of public concern.

Generally, parts 17 and 18 of the regulations require reports from members of contracts markets, FCMs or foreign brokers ("firms") and traders, respectively, when a trader holds a "reportable position," *i.e.*, any open position held or controlled by a trader at the close of business in any one future of a commodity traded on any one contract market that is equal to or in excess of the quantities fixed by the Commission in § 15.03 of the regulations.[1]

The Commission periodically reviews information concerning trading volume, open interest and the number and position sizes of individual traders relative to the reporting levels for each market to determine if coverage is

[1] Firms which carry accounts for traders who hold "reportable positions" are required to identify such accounts on a Form 102 and report on the series '01 forms any reportable positions in the account, the delivery notices issued or stopped by the account and any exchanges of futures for physicals. Traders who own or control reportable positions are required to file annually a CFTC Form 40 giving certain background information concerning their trading in commodity futures and, on call by the Commission, must submit a Form 103 showing positions and transactions in the contract market specified in the call.

adequate for effective market surveillance. In this regard, the Commission also is mindful of the paperwork burden associated with these reporting requirements and reviews them with an eye to ameliorating that burden to the extent compatible with adequate market coverage. The Commission's most recent review of reporting levels indicates that the size of trading volume, open interest and positions of individual traders enable the Commission to raise reporting levels in 19 different commodities. The proposed increases are summarized in Table 1 below.[2] The Commission estimates that, if the subject amendment is adopted, the number of daily position reports (i.e., series '01 reports) filed by reporting firms would decrease by about 18 percent. There would also be a proportionate decrease in the number of Form 102's filed by firms and Form 40's filed by large traders.

TABLE 1.—PROPOSED REPORTING LEVELS

Commodity	Current level	Proposed level
Corn	100 contracts	150 contracts.
Soybean Oil	150 contracts	175 contracts.
Soybean Meal.	150 contracts	175 contracts.
T-bonds	500 contracts	750 contracts.
10-yr. T-notes.	400 contracts	500 contracts.
2-yr. T-notes	25 contracts	200 contracts.
30-day Interest Rates.	25 contracts	100 contracts.
MMI Stock Index.	50 contracts	100 contracts.
Municipal Bonds.	50 contracts	100 contracts.
T-bills	100 contracts	200 contracts.
Eurodollars	500 contracts	850 contracts.
S&P 500 Index.	300 contracts	500 contracts.
One-month Labor.	25 contracts	200 contracts.
NIKKEI Index.	25 contracts	200 contracts.
Crude Oil (sweet).	250 contracts	300 contracts.
Heating Oil	150 contracts	175 contracts.
Unleaded Gasoline.	100 contracts	150 contracts.
Sugar No. 11.	200 contracts	300 contracts.
Dollar Index	25 contracts	50 contracts.

Most exchanges also maintain large trader reporting systems that are similar in most respects to that operated by the Commission. All of the exchange systems rely on routine position and account identification reports from member firms similar to the Commission's series '01 reports and form 102s. The exchanges require the position reports daily from their members if a position in an account for an expiration month of a contract market exceeds reporting levels specified by the exchange. Although the data collected by the exchanges are in most respects duplicative of those collected by the Commission, the respective systems differ somewhat in terms of levels that are set to trigger reporting from firms.[3] For example, of 48 active markets examined by Commission staff, Commission and exchange reporting levels differed in 23 of the markets. These differences apparently increase reporting burdens for firms since they must track when and to whom specific reports are due.[4]

As part of the current review, Commission and exchange surveillance staff have been discussing the need for greater uniformity with respect to reporting levels. For an increasing number of contract markets, it appears that Commission and exchange reporting levels will converge. In other instances there are divergent views as to the appropriateness of certain levels.

In the past, when it has been determined that reporting levels could be raised, the Commission has followed a policy of doing so despite the fact that exchanges may not make similar changes to their systems. This has been premised on the assumption that fewer reports filed with the Commission would result in a lower overall reporting burden for the public as well as a decrease in processing costs to the Commission. As noted above, however, in cases where Commission reporting levels diverge from those of the exchanges additional burdens may be created for reporting firms. Since it is difficult to quantify the burden the Commission may be creating by adopting reporting levels higher than those deemed adequate by the exchanges, it is requesting specific comment on the tradeoffs involved with this issue. Specifically the Commission is interested in knowing whether it would be less burdensome for reporting firms if Commission reporting levels remained at, or were lowered to, levels set by an exchange even though Commission staff have otherwise determined that levels could be increased. The exchanges, in particular, are invited to address this issue.

II. Related Matters

A. The Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires that agencies, in proposing rules, consider the impact of those rules on small businesses. These amendments affect large traders and futures commission merchants and other similar entities such as foreign brokers and foreign traders. The Commission has defined "small entities" as used by the Commission in evaluating the impact of its rule in accordance with the RFA. 47 FR 18618–18621 (April 30, 1982).

In that statement, the Commission concluded that large traders and futures commission merchants are not considered to be small entities for purposes of the RFA. In this regard, the amendments to reporting requirements fall mainly upon futures commission merchants. Similarly, foreign brokers and foreign traders report only if carrying or holding reportable, *i.e.*, large positions. Pursuant to section 3(a) of the RFA (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that the proposed rules would not have a significant economic impact on a substantial number of small entities. The Commission invites comments from any firm which believes that these rules would have a significant economic impact upon its operations.

B. Paperwork Reduction Act

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

Average Burden Hours Per Response—0.16

Number of Respondents—3,721

[2] The Commission is proposing to increase the reporting level for crude oil from 250 to 300 contracts. The Commission intends that reporting levels shall apply only to the mature contract in "sweet" crude oil and not to recently designated "sour" crude oil contracts. In view of this the Commission is appending the term "sweet" to the commodity name of crude oil in § 15.03 of the regulations. Sour crude oil will be included in the category "all other commodities" and the reporting level will be 25 contracts.

[3] Two exchanges, the Minneapolis Grain Exchange and the Kansas City Board of Trade, do not require firms to file larger trader reports in wheat, but, rather, rely on information from their clearing members. Clearing members generally are the largest traders in wheat on these two exchanges, and supplemental surveillance data can be obtained from the CFTC as needed.

[4] About two-thirds of the firms that file reports with the Commission use software to extract reportable positions from their computer files and transmit this data electronically to the respective regulators. The additional burden for these firms primarily relates to filing account identification forms. Firms that have automated their reporting account for about 95 percent of the position information filed with the Commission.

Frequency of Response—21.54

Persons wishing to comment on the information which would be required by these rules should contact Gary Waxman, Office of Management and Budget, Room 3228, NEOB, Washington, D.C. 20503, (202) 395-7304. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street, NW, Washington, D.C. 20581, (202) 254-3310.

List of Subjects in 17 CFR Part 15

Brokers, Reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Act and, in particular, sections 4g, 4i, 5 and 8a of the Act, 7 U.S.C. 6g, 6i, 7 and 12a (1990), the Commission hereby proposes to amend Part 15 of title 17 of the Code of Federal Regulations as follows:

PART 15 REPORTS—GENERAL PROVISIONS

1. The authority citation for part 15 continues to read as follows:

Authority: 7 U.S.C. 2, 4, 5, 6a, 6c,(a)-(d), 6f, 6g, 6i, 6k, 6m, 6n, 7, 9, 12a, 19 and 21; 5 U.S.C. 552 and 552(b).

2. Section 15.03 is proposed to be revised to read as follows:

§ 15.03 Quantities fixed for reporting.

The quantities for the purpose of reports filed under Parts 17 and 18 of this chapter are as follows:

Commodity	Quantity
Wheat (bushels)	500,000
Corn (bushels)	750,000
Soybeans (bushels)	500,000
Oats (bushels)	300,000
Cotton (bales)	5,000
Soybean oil (contracts)	175
Soybean meal (contracts)	175
Live cattle (contracts)	100
Feeder cattle (contracts)	50
Hogs (contracts)	50
Sugar No. 11 (contracts)	300
Sugar No. 14 (contracts)	100
Cocoa (contracts)	50
Coffee (contracts)	50
Copper (contracts)	100
Gold (contracts)	200
Silver bullion (contracts)	150
Platinum (contracts)	50
No. 2 heating oil (contracts)	175
Crude oil, sweet (contracts)	300
Unleaded gasoline (contracts)	150
Long-term U.S. Treasury bonds (contracts)	750
GNMA (contracts)	100
Three-month (13 week) U.S. Treasury bills (contracts)	200
Long-term U.S. Treasury notes (contracts)	500
Medium-term U.S. Treasury notes (contracts)	300
Short-term U.S. Treasury notes (contracts)	200
Three-month Eurodollar time deposit rates (contracts)	850
Thirty Day Interest Rates (contracts)	100
One Month Libor Rates (contracts)	200
Foreign currencies (contracts)	200
U.S. Dollar Index (contracts)	50
Standard and Poor's 500 stock price index (contracts)	500
New York Stock Exchange composite index (contracts)	50
Amex major market index-maxi (contracts)	100
Municipal bonds (contracts)	100
Value line average index (contracts)	50
All other commodities (contracts)	25

Issued in Washington, DC, this 19th day of February 1992, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4149 Filed 2-24-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 803 and 807

[Docket No. 91N-0295]

Medical Devices; Medical Device, User Facility, Distributor, and Manufacturer Reporting, Certification, and Registration; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Tentative final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a tentative final rule that appeared in the **Federal Register** of November 26, 1991 (56 FR 60024). The tentative final rule was published with some editorial errors. In the preamble under the "Paperwork Reduction Act" heading, the last two lines in the table "Estimated Annual Burden for Reporting" should have been in the table "Annual Burden for Recordkeeping". As a result, the total figures in both tables were incorrect. This document corrects the errors in these two tables.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Medical Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

In FR Doc. 91-28377, appearing on page 60024 in the **Federal Register** of November 26, 1991, the following correction is made: On page 60031, the tables appearing under "Estimated Annual Burden for Reporting" and "Annual Burden for Recordkeeping" are corrected to read as follows:

ESTIMATED ANNUAL BURDEN FOR REPORTING

CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Hours per response	Total hours
803.24(a)	36,639	.09	3,360	4	13,439
803.24(b)	36,639	1	36,639	4	146,556
803.24(c)	36,639	2	73,278	2	146,556
803.25(a)	2,500	1	2,500	1	2,500
803.26(a)	750	53	40,000	1	40,000
803.26(c)	750	12	9,000	1	9,000
803.26(d)	750	3	2,250	1	2,250
803.26(e)	750	.01	10	4	40
803.26(f)	750	.01	10	4	40
803.26(g)	3,900	.26	1,000	1	1,000
803.30	13,953	1	13,953	1	13,953
803.33(a)	75	1	75	1	75
Total					375,409

ANNUAL BURDEN FOR RECORDKEEPING

CFR section	Number of record-keepers	Annual hours per record-keeping	Total annual burden hours
803.34(a)	39,900	40	159,556
803.34(b)(c)	39,900	40	159,556
803.35(a)	2,500	4	10,000
803.35(b)	624	16	9,984
803.35(c)	36,639	0.25	9,160
Total			348,256

Dated: February 19, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4183 Filed 2-24-92; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL 4103-6]

Land Disposal Restrictions: Potential Treatment Standards for Newly Identified and Listed Wastes and Contaminated Soil; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking (ANPRM); extension of comment period.

SUMMARY: This notice announces the extension of the comment period for three groups of wastes covered in its advance notice of proposed rulemaking that was published in the **Federal Register** on October 24, 1991 (see 56 FR 55160-55189).

In that ANPRM, EPA requested data and comments on its approach for determining the Best Demonstrated Available Technology (BDAT) for many wastes that have been identified and listed as hazardous since the enactment of the Hazardous and Solid Waste Amendments (HSWA) in November 1984. That notice included a discussion of potential BDAT and related capacity for the following: Listed wastes from wood preserving operations (F032, F034, and F035); spent potliners from primary aluminum reduction (K088); characteristic hazardous wastes generated by the mining and mineral processing industries that are no longer exempted by the Bevill Amendment; and wastes that have been recently identified as D004 through D043 based on the toxicity characteristic leaching procedure (TCLP), i.e., TC wastes. EPA also solicited data and comment on its approach to developing BDAT for contaminated soil.

The Agency received many requests to extend the comment period in order to gather the necessary data and prepare comments.

Today's notice extends the comment period for certain of the wastes, in particular, wastes from wood preserving operations (F032, F034, and F035); spent potliners from primary aluminum reduction (K088); and characteristic hazardous wastes generated by the mining and mineral processing industries that are no longer exempted by the Bevill Amendment. EPA is able to grant this extension because its schedule calls for promulgation of the Land Disposal Restrictions (LDR's) for these wastes by the end of 1994.

DATES: Comments and data must be submitted on or before April 27, 1992.

ADDRESSES: The public must send an original and two copies of their written comments to EPA RCRA Docket (OS-305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Place the Docket Number F-91-CSP-FFFFF on your comments. The RCRA Docket is located at the above address and is open from 9 a.m. to 4 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (202) 475-9327. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost $.20 per page.

EPA is asking prospective commenters to submit voluntarily one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a word processing format that can be converted to ASCII (TEXT). For more details on this process, see the SUPPLEMENTARY INFORMATION section.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9348 (toll-free) or (703) 920-9810 locally. For technical information on BDAT, contact the Waste Treatment Branch, Office of Solid Waste (OS-322-W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308-8434. For technical information on capacity analyses, contact the Capacity Branch, Office of Solid Waste (OS-321W), (703) 308-8440.

SUPPLEMENTARY INFORMATION: While the Agency appreciates the desire of those who requested an extension of the comment period for issues related specifically to contaminated soil or to wastes considered hazardous because they exhibit the toxicity characteristic (TC), we are unable to grant that extension. Our schedule requires that we promulgate LDR's for those wastes by the end of April 1993. This schedule would make it difficult to add any extra time to the rulemaking process. Although we are not extending the comment period for contaminated soil and TC wastes at this time, this does not preclude public comments on these wastes. Our tentative schedule calls for a proposal that includes these wastes in July 1992. The public will, therefore, have an opportunity to comment at that time.

In regard to submitting comments on disks, it is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to protect physically the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory; nor will it result in any advantage or disadvantage to any commenter. Rather, EPA is experimenting with this procedure in an attempt to expedite its internal review and response to comments. For further information on the submission of diskettes, contact the Waste Treatment Branch at the phone number listed in **FOR FURTHER INFORMATION CONTACT.**

Dated: February 5, 1992.

Richard J. Guimond,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 92-4209 Filed 2-24-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 92-13, FCC No. 92-35]

Interchange Common Carrier Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is issuing this notice of proposed rulemaking to review the lawfulness of its rules and policies under which it forbears from requiring certain common carriers to file interstate tariffs. This action comes in response to a complaint filed by AT&T Communications against MCI Telecommunications Corp. alleging that MCI was violating section 203 of the Communications Act by providing

interstate common carrier telecommunications services to certain customers at rates and on terms and conditions not set forth in MCI's interstate tariffs. In a companion order issued today, we dismiss this complaint, in part because the issues raised therein are more properly considered in a rulemaking proceeding than in an adjudication between two parties. This proceeding could have a significant impact on a broad range of customers and providers of telecommunications services across the nation.

DATES: Comments shall be filed on or before March 30, 1992, and reply comments shall be filed on or before April 29, 1992.

ADDRESSES: Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Parties should also file two copies of any pleadings with the Policy and Program Planning Division, Common Carrier Bureau, room 544, 1919 M Street NW., Washington, DC 20554. Parties should also file one copy of any documents with the Commission's copy contractor, The Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Gary Phillips, (202) 632-4047, or Andy Lachance, (202) 632-4047, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: On August 7, 1989, AT&T Communications filed a complaint against MCI Telecommunications Corporation alleging that MCI is violating section 203 of the Communications Act of 1934 (the Act) by providing interstate common carrier telecommunications services to certain large business customers at rates and on terms and conditions not set forth in MCI's interstate tariffs. AT&T's complaint did not allege that MCI is violating Commission rules but, in essence, that certain Commission rules are unlawful. In particular, AT&T calls into question the Commission's longstanding forbearance rule, under which the Commission forbears from requiring nondominant interexchange carriers (IXCs) from filing interstate tariffs.

In a companion order adopted today, we deny AT&T's complaint in part and dismiss it in part, on the grounds that: (1) MCI should not be liable to AT&T for actions that were fully consistent with Commission rules; and (2) reconsideration of a fundamental rule, such as forbearance, which represents one of the cornerstones of the Commission's regulatory framework for the long-distance industry, should not occur in the context of an adjudication between two parties. Because the issues raised in AT&T's complaint are serious and important ones, however, we issue this Notice of Proposed Rulemaking to review the lawfulness and future applications of our forbearance rules and policies.

The Commission seeks comment on the following issues:

(a) Does the Commission have authority under sections 4(i) and 203 or other provisions of the Communications Act to continue to permit nondominant carriers not to file tariffs?

(b) If the Commission's current forbearance rule is unlawful, does it necessarily follow that all common carriers must file tariffs? If not, for what classes of carriers is forbearance permissible and for what classes is it impermissible?

(c) If the Commission's current forbearance rule is unlawful, should carriers be required to file any or all of their off-tariff service arrangements that are currently in effect? If so, in what time frame?

(d) If the Commission's current forbearance rule is unlawful, would any other Commission rules need to be changed, and if so, how should they be changed? If forbearance is found to be unlawful, should the streamlining rules in Competitive Carrier be relaxed to allow for additional streamlining for carriers currently subject to forbearance? If so, what sort of additional streamlining might be appropriate? What would be the implications of any proposed changes in Commission tariffing policies for small IXCs, users, and other affected entities? What would be the implications for competition in the marketplace?

Procedural Matters

A. Ex Parte Rules—Non-restricted Proceeding

This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules.

B. Regulatory Flexibility Act

Initial Regulatory Flexibility Act Analysis

Reason for Action

This rulemaking proceeding is initiated to obtain comment on the lawfulness of current forbearance rules in light of a complaint by AT&T alleging, in effect, that these rules violate the Communications Act.

Objectives

The Commission seeks to review the lawfulness and future application of forbearance for interstate common carriers. It also seeks comment regarding what rules would need to be changed and how those rules should be changed if forbearance is found to be lawful.

Legal Basis

The proposed action is authorized under sections 4 and 201–205 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 201–205.

Reporting, Recordkeeping and Other Compliance Requirements

None.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

Description, Potential Impact, and Number of Small Entities Involved

Any rule change in this proceeding could have a significant impact on a broad range of telecommunications common carriers. After evaluating the comments in this proceeding, the Commission will further examine the impact of any rule changes on small entities and set forth our findings in the Final Regulatory Flexibility Analysis.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives

The notice does not propose new rules or alternative policies. It asks for comment on what rules should be changed in the event forbearance is unlawful, how these rules should be changed, and whether such changes should apply to all services and/or to all common carriers.

C. Authority

Authority for this rulemaking action is contained in 47 U.S.C. 154, and 201–205.

Ordering Clauses

It is ordered, That notice is hereby given of the proposed regulatory changes described above, and that comment is sought on these proposals.

It is further ordered, That pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, comments *shall be filed* on or before March 30, 1992, and reply comments shall be filed on or before April 29, 1992. To file formally in this proceeding, you must file an original and five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive

a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition, parties should file two copies of any such pleadings with the Policy and Program Planning Division, Common Carrier Bureau, room 544, 1919 M Street NW., Washington, DC 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, The Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-4068 Filed 2-24-92; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 57, No. 37
Tuesday, February 25, 1992

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

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FES 92-1]

Availability of the Final Environmental Impact Statement Regarding Subsistence Management for Federal Public Lands in Alaska

AGENCY: Fish and Wildlife Service, Interior. Forest Service, USDA.

ACTION: Notice of availability of the final environmental impact statement regarding subsistence management for Federal public lands in Alaska.

SUMMARY: The U.S. Fish and Wildlife Service (the Service) has prepared a Final Environmental Impact Statement (EIS) for Subsistence Management for Federal Public Lands in Alaska pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969. The EIS describes four alternatives for the Federal Subsistence Management Program in Alaska pursuant to title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 (Pub. L. 96-487, 16 U.S.C. 3111-3126) and the environmental consequences of implementing each alternative.

The decision on the selection of a course of action will not be made before 30 days from the publication of the EPA Notice of Availability in the **Federal Register.**

ADDRESSES: Single copies of the final EIS can be obtained from the U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage Alaska 99503. Correspondence may be sent to the Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director for Subsistence, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802-1628; telephone (907) 586-8890.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of ANILCA requires the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to implement a joint program to grant a priority for subsistence uses of fish and wildlife resources by rural residents on Federal public lands, unless the State has in effect a law that complies with the Act. Until recently, the State of Alaska has managed the subsistence program on public lands pursuant to section 805 of Title VIII of ANILCA. In December of 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute, which is required by ANILCA, violated the Alaska Constitution. This ruling placed the State out of compliance with title VIII. Consequently, the Secretaries were required to assume responsibility for the implementation of title VIII of ANILCA on Federal public lands on July 1, 1990.

On June 29, 1990 the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114). This program is administered by a Federal Subsistence Board made up of a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Burfeau of Land Management; and the Alaska Area Director, Bureau of Indian Affairs. These five agencies within the Federal Government are responsible for management of Federal public lands covered by title VIII of ANILCA.

Availability

Copies of the final EIS will also be available for review by the public at the office of the Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage Alaska 99503, and at the following locations:

U.S. Fish and Wildlife Service, Division of Refuge Management, U.S. Departament of the Interior Bldg., 18th & C Streets NW., Washington, DC 20240

U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 NE. Multnomah Street, suite 1692, Portland, OR 97232

U.S. Fish and Wildlife Service, Refuges and Wildlife, 500 Gold Avenue SW., room 1306, Albuquerque, NM 87103

U.S. Fish and Wildlife Service, Refuges and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111

U.S. Fish and Wildlife Service, Refuges and Wildlife, Richard B. Russell Federal Bldg., 75 Spring Street, Atlanta, GA 30303

U.S. Fish and Wildlife Service, Refuges and Wildlife, One Gateway Center, suite 700, Newton Corner, MA 02158

U.S. Fish and Wildlife Service, Refuges and Wildlife, 134 Union Blvd., Lakewood, CO 80225

Drafting Information

The primary author of this notice is Cecil R. Kuhn, Subsistence Office, Alaska Regional Office, U.S. Fish and Wildllife Service, Anchorage, Alaska.

Curtis V. McVee,
Chair, Federal Subsistence Board.

Dated: February 20, 1992.

Approved:

Jonathan P. Deason,
Director, Office of Environmental Affairs.

[FR Doc. 92-4241 Filed 2-24-92; 8:45 am]

BILLING CODE 3410-11-M

Forest Service

Two Forks Timber Sales and Other Projects, Siskiyou National Forest, Josephine and Curry Counties, OR

AGENCY: Forest Service, USDA.

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

SUMMARY: Notice is hereby given that the Forest Service, USDA, will prepare an environmental impact statement (EIS) for a set of Forest Service proposals to implement two timber sales and other resource management projects. The specific projects include: (1) Harvest of timber from two timber sales and development of associated

road sysems; (2) development of a rock material source; and (3) miscellaneous projects related to prescribed burning, meadow enhancement, fireline rehabilitation, and road closures.

The proposed actions are located approximately 19 miles northeast of Brookings, Oregon, in the East Fork of Pistol River drainage and Mineral Hill Fork of Eagle Creek drainage of the Chetco Ranger District, Siskiyou National Forest. Projects would be implemented in accordance with direction in the Siskiyou National Forest Land and Resource Management Plan.

The agency gives notice that the environmental analysis process is underway. Interested and potentially affected persons, along with local, State and other Federal agencies, are invited to participate and contribute to the environmental analysis. The Siskiyou National Forest invites written input regarding the issues specific to the proposed actions.

DATES: Written input concerning issues with this Forest Service proposal must be received by March 13, 1992.

ADDRESSES: Submit written input to District Ranger, Chetco Ranger District, 555 Fifth Street, Brookings, Oregon 97415.

FOR FURTHER INFORMATION: Direct questions about the Proposed Action and EIS to Jerry Darbyshire, Project Leader, Chetco Ranger District, 555 Fifth Street, Brookings, Oregon 97415 [Telephone: (503) 469–2196].

SUPPLEMENTARY INFORMATION: The purpose of the Proposed Actions is to implement management direction and projects identified in the March 1989 Siskiyou National Forest Land and Resource Management Plan (Forest Plan). This project EIS will be retiered to the Forest Plan EIS, which provides goals, objectives, standards and guidelines for the various activities and land allocations on the Forest. The Proposed Actions would be located in Management Areas 6 (Backcountry Recreation), 9 (Special Wildlife Site), 13 (Partial Retention Visual), and 14 (General Forest). The following Proposed Actions are derived from two key elements in the Forest Plan; (1) the capital investment opportunities (appendix B), and (2) the ten-year action plan (appendix C).

The Proposed Action

The Mineral Hill and East Fork Timber Sales, scheduled for offering in Fiscal Year 1993, would harvest approximately 12.5 million board feet (MMBF). Proposed harvest methods and estimated harvest acreage include: (1) Clearcut harvest, 160 acres, (2) Commercial thinning, 165 acres; and (3) Group selection management of a 2700 acre area. A small amount of Pacific yew exists in the area. If harvest of yew would occur the bark would be utilized for taxol production. Skyline, helicopter, and tractor yarding systems would be used to harvest the timber. Fourteen (14.0) miles of new road construction would be required to provide access to the timber. These roads would be closed year-round after harvest is completed. A total of about 5.24 miles of existing roads would be closed. Portions of existing roads would be reconstructed and one failed culvert would be repaired. One rock material source would be developed. The entire group selection management area would be underburned. Clearcuts would be broadcast burned after harvest. The Silver Fire fireline on Mineral Hill would be revegetated using native plants. Existing meadows would be enlarged by removing conifer trees that have overgrown them. The meadows would be burned and seeded as appropriate to improve forage.

Stands proposed for harvest are located within Sections 29, 30, 31; Township 37½ South; Range 12 West; within Sections 4–9, 17–20; Township 38 South; Range 12 West; and within Sections 13, 14, 24, 25, Township 38 South; Range 13 West (Willamette Meridian). Portions of The Windy Valley Roadless Area are within this area.

Public input will be used to determine significant issues with the Proposed Action. These issues will in turn be used to develop alternatives to the Proposed Action. The No Action Alternative will be analyzed.

The Forest Service is seeking input from individuals, organizations, and local, State and Federal agencies who may be interested in or affected by the Proposed Action. Other avenues for public participation are commenting to the draft EIS, and a public meeting to be held after the draft EIS is published.

A mailing list will be compiled during the analysis. Interested individuals and agencies may have their names added to this list at any time by submitting a request to Jerry Darbyshire, Two Forks Project Leader, Chetco Ranger District, 555 Fifth Street, Brookings, Oregon 97415. The Freedom of Information Act (FOIA) govern disclosure of each Federal Government mailing list. Under provisions of the FOIA, the names and addresses of persons on these lists will be released upon request, unless the request falls within one of the FOIA exemptions.

The draft EIS is expected to be filed with the Environmental Protection Agency(EPA) and to be available for public review and commenting by May, 1992. At that time, EPA will publish a notice of availability of the draft EIS in the **Federal Register.** The comment period on the draft EIS will be 45 days from the date the EPA notice of availability appears in the **Federal Register.**

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. (Reviewer may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environment Policy Act at 40 CFR 1503.3 in addressing these points.)

The Forest Service believes it is important to give reviewers notice at this early stage 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 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 them and respond to them in the final EIS.

After the 45 day comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed by September 1992.

In the final EIS, the Forest Service is required to respond to the comments received. The responsible official is the Forest Supervisor. The responsible official will consider the comments, responses, environmental consequences discussed in the EIS and applicable laws, regulations, and policies in making

a decision regarding this proposal. The responsible official will document the decision and reasons for the decisions in the Record of Decision. That decision will be subject to review under 36 CFR 217.

Dated: February 11, 1992.

J. Michael Lunn,

Forest Supervisor.

[FR Doc. 92-4214 Filed 2-24-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-557-805]

Postponement of Preliminary Antidumping Duty Determination: Extruded Rubber Thread From Malaysia

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Gary Bettger, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at (202) 377-2815 or 377-2239, respectively.

POSTPONEMENT: On January 21, 1992, at the request of the North American Thread Company, the petitioner in this investigation, the Department postponed the preliminary determination in this investigation from February 5, 1992, until February 14, 1992 (Notice of Postponement of Preliminary Antidumping Duty Determination on Extruded Rubber Thread from Malaysia and Alignment of Final Countervailing Duty and Antidumping Duty Determinations of Extruded Rubber Thread from Malaysia, 57 FR 3163, January 28, 1992). On February 11, 1992, the petitioner requested a further postponement of the preliminary determination until March 26, 1992, thereby amending its original request. The Department finds no compelling reasons to deny the request. Accordingly, we are postponing the date of the preliminary determination until not later than March 26, 1992.

This notice is published pursuant to section 733(c)(2) of the Tariff Act of 1930, as amended, and 19 CFR 353.15(d).

Dated: February 14, 1992.

Marjorie Chorlins,

Acting Assistant Secretary for Im; ort Administration.

[FR Doc. 92-4269 Filed 2-24-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-405]

Certain Heavy Textile Mill Products From Mexico; Final Results of Countervailing Duty Administrative Review

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

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

SUMMARY: On December 12, 1991, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain textile mill products from Mexico. We have now completed this review and determine the net subsidy to be 0.09 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. The results are unchanged. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 64763) the preliminary results of its administrative review of the countervailing duty order on certain textile mill products from Mexico (50 FR 10284; March 18, 1985). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of certain textile mill products from Mexico. During the review period, such merchandise was classified under the Harmonized Tariff Schedule (HTS) item numbers listed in the Appendix to this notice. The review covers the period January 1, 1990 through December 31, 1990 and eleven programs: (1) FOMEX; (2) BANCOMEXT Financing for Exporters; (3) FONEI; (4) FOGAIN; (5) PITEX; (6) CEPROFI; (7) Other BANCOMEXT preferential financing; (8) Import Duty Reductions and Exemptions; (9) State Tax Incentives; (10) NAFINSA FONEI-Type financing; and (11) NAFINSA FOGAIN-Type financing. Forty-two companies produced and exported the subject merchandise to the United States during the review period.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the net subsidy to be 0.09 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Mexico exported on or after January 1, 1990 and on or before December 31, 1990. The Department will also instruct the Customs Service to waive the collection of cash deposits of estimated countervailing duties on all shipments of the subject merchandise from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 CFR 355.22.

Dated: February 18, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-4272 Filed 2-24-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-580-602]

Certain Stainless Steel Cooking Ware From the Republic of Korea; Determination Not To Revoke Countervailing Duty Order

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

ACTION: Notice of determination not to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its

determination not to revoke the countervailing duty order on certain stainless steel cooking ware from the Republic of Korea.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On January 2, 1992, the Department of Commerce ("the Department") published in the **Federal Register** (57 FR 48) its intent to revoke the countervailing duty order on certain stainless steel cooking ware from the Republic of Korea (52 FR 2140; January 20, 1987).

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. We had not received a request for an administrative review of the order for the last five consecutive anniversary months.

On January 28, 1992, the Fair Trade Committee of the Cookware Manufacturers Association, a petitioner in the original countervailing duty investigation, objected to our intent to revoke the order. Farberware Inc., Regal Ware Inc., and Corning Incorporated, domestic producers of stainless steel cooking ware, also objected to our intent to revoke the order. Because the requirements of 19 CFR 355.25(d)(4)(iii) have not been met, we will not revoke the order.

This notice is in accordance with 19 CFR 355.25(d).

Dated: February 18, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-4271 Filed 2-24-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-401-056]

Viscose Rayon Staple Fiber From Sweden; Preliminary Results of Countervailing Duty Administrative Review

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

ACTION: Notice of preliminary results of countervailing duty administration review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden. We preliminarily determine the net subsidy to be 3.06 percent *ad valorem* for the period January 1, 1990 through December 31, 1990. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Allan Christian or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (56 FR 23271) of the countervailing duty order on viscose rayon staple fiber from Sweden (44 FR 28319, May 15, 1979). On June 14, 1991, Svenska Rayon AB, a producer and exporter of viscose rayon staple fiber, requested that we conduct an administrative review of the order for the period January 1, 1990 through December 31, 1990. We initiated the review on June 18, 1991 (56 FR 27943). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). The final results of the last administrative review of this order were published on July 19, 1991 (56 FR 33256).

Scope of Review

Imports covered by this review are shipments of Swedish regular viscose rayon staple fiber and high-wet modulus (modal) viscose rayon staple fiber. Such merchandise is classifiable under item number 5504.10.00 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990 and three programs. The only known Swedish manufacturer/exporter of this merchandise to the United States is Svenska Rayon AB (Svenska).

Analysis of Programs

(1) Loans/Grants for Plant Creation

Under three agreements, the Swedish government provided Svenska with interest-free loans for the creation of a modal fiber plant for national defense purposes. The agreements provided that the Swedish government would forgive the loans in equal amounts over ten years, if Svenska maintained its modal fiber production capacity for ten years. If Svenska eliminated this production capacity prior to the end of the ten-year period, the agreements also provided that the remaining amount of the outstanding principal would fall due immediately. Because the Swedish government provided these loans/grants to a specific enterprise on terms inconsistent with commercial considerations, we preliminarily determine that they are countervailable.

The first agreement, Project 77, was concluded in 1975, and the Swedish government disbursed the funds between 1975 and 1977. The second agreement, Project 81, was concluded in 1978, and the funds were disbursed between 1978 and 1981. In 1979, the Swedish government provided a final interest-free loan to Svenska for pollution control improvements to the modal fiber plant.

Forgiveness of these loans began when the purchased equipment went into operation. Accordingly, the Swedish government forgave ten percent of the total disbursements to Svenksa under Project 77 in each year from 1978 through 1985. Similarily, the Swedish government forgave ten percent of the total disbursements under Project 81 in each year from 1981 through 1985 and ten percent of the environmental loan in each year from 1980 through 1985. In 1986, after Svenska permanently discontinued all modal fiber production and closed the modal fiber plant, the Swedish government forgave Svenska's remaining indebtedness on these projects.

Since these loans were in effect grants, we have calculated the benefit streams using the declining balance methodology. We allocated the benefits from each grant over the 10-year average useful life of assets in the rayon fiber industry, according to the "Asset Guideline Classes" of the Internal Revenue Service, and used as discount rates the national average corporate bond rates in Sweden for the years in which each grant was received (obtained from the Monthly Digest of Swedish Statistics, a Swedish government publication). The 10-year allocation period has expired for the benefits from grants received between 1975 and 1977 under Project 77, and in 1978, 1979 and 1980 under Project 81, and for the pollution control grant given in 1979. Therefore, we included in our

calculations only Project 81 grants received in 1981.

We divided the benefits attributable to the review period by the value of Svenska's total revenue income during the review period. (See, Viscose Rayon Staple Fiber from Sweden; Notice of Final Results of Countervailing Duty Administrative Review (54 FR 43191), Comment 1). On this basis, we preliminarily determine the benefit from this program to be 0.51 percent *ad valorem.*

(2) Elderly Employment Compensation Program

The Swedish government provided a subsidy to certain companies within the textile and apparel industries through a special employment contribution for older workers. This program provided compensation to a company based upon the number of hours worked by employees over 50 years of age. A company participating in the program had to agree not to dimiss or release redundant employees of any age for any reason other than normal attrition. Payments were calculated on the basis of 28 Swedish kroner per hour for employees over age 50 who were involved in production. The payment could not exceed 15 percent of the company's total labor costs. Because this program was available only to certain companies within the textile and apparel industry, we preliminarily determine that it is countervailable.

Svenska received its last payment under this program in July 1982. In January 1983, the Swedish government excluded the rayon fiber industry, including Svenska, from this program. Using the declining balance methodology referred to above, we calculated Svenska's benefit by allocating the 1982 payment over ten years, the average useful life of assets in the rayon fiber industry. We used Svenska's 1982 weighted cost of capital as the discount rate.

We divided the benefit attributable to the review period by the value of Svenska's total revenue during the review period. On this basis, we preliminarily determine the benefit from this program to be 0.24 percent *ad valorem.*

(3) Grant for Manpower Reduction and Conditional Loan

The Swedish government concluded an agreement with Svenska in 1980 consisting of two parts: A grant for manpower reduction and a conditional loan to cover operating losses. In the absence of any indication that this agreement was part of a broader financial assistance program available to companies other than Svenska, we concluded that the grant for manpower reduction and the conditional loan were available only to Svenska on terms inconsistent with commercial considerations. As a result, we preliminarily determine that they are countervailable.

The grant was intended to compensate the company for maintaining redundant employees longer than collective agreements and employment protection laws required, and for retraining employees to work elsewhere within the KF Industri group (the group of firms, including Svenska, owned directly or indirectly by Kooperativa Forbundet). The grant was paid through the National Labor Market Board in two installments, one in December 1980, and the other in July 1981. Svenska received no new manpower reduction grants during the period of review.

Using the declining balance methodology, we allocated the grant over ten years the average useful life of assets in the rayon fiber industry. We used as the discount rate the national average corporate bond rate in Sweden for 1980, the year in which the agreement was reached. We divided the benefit from the manpower reduction grant attributable to the review period by the value of Svenska's total revenue during the review period. On this basis, we preliminarily determine the benefit from this grant to be 0.14 percent *ad valorem.*

For the conditional loan part of the 1980 agreement, the terms (including the duration of the loan) and conditions depended on the company's profit levels. The loan was disbursed in three installments between 1980 and 1982. Under the original agreement, the Swedish government would forgive portions of the outstanding principal and interest of the loan if Svenska did not make a sufficient profit (based on a confidential formula agreed to by the Swedish government and Svenska). If Svenska attained the requisite level of profit, it would have to repay a certain portion of the loan, including interest. Svenska did not make a sufficient profit in any year between 1983 and 1985, and the Swedish government forgave the yearly repayment of the loan in 1983, 1984 and 1985. In 1986, in conjunction with the forgiveness of the loans/grants for plant creation, the Swedish government forgave the total outstanding balance of this loan.

Because Svenska never made any payments on this loan, which was forgiven in its entirety over four years, we have treated each of the three loan installments as grants given in the year of receipt. As with the loans/grants for the plant creation program, we have applied the declining balance methodology, allocating benefits from each grant over the 10-year average useful life of assets in the rayon fiber industry. We used as discount rates the national average corporate bond rates in Sweden for the years in which each grant was received.

We divided the benefit attributable to the review period by the value of Svenska's total revenue during the review period. The 10-year allocation period has expired for the benefits received from the conditional loan/grant given to Svenska in 1980. Therefore, we have included in our calculations only the conditional loans/grants given to Svenska in 1981 and 1982. On this basis, we preliminarily determine the benefit from the conditional loan to be 2.17 percent *ad valorem.*

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 3.06 percent *ad valorem* for the period January 1, 1990 through December 31, 1990.

Upon completion of this review, the Department intends to instruct the Customs Service to assess countervailing duties of 3.06 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1990 and on or before December 31, 1990.

Further, upon completion of this review the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, of 3.06 percent of the f.o.b. invoice price on all shipments of this merchandise from Sweden entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology. Interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on

interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due.

The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a) (1)) and 19 CFR 355.22.

Dated: February 14, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-4270 Filed 2-24-92; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

ACTION: Notice of issuance of an export trade certificate of review, application No. 83-2A028

SUMMARY: The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to Carpenter Body Works, Inc. Notice of issuance of the Certificate was published in the **Federal Register** on April 19, 1984 (49 FR 15596).

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (1990) (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Export Trade Certificate of Review No. 83-00028, was issued to Carpenter Body Works, Inc. on April 13, 1984 (49 FR 15596, April 19, 1984).

Carpenter Body Works, Inc's Export Trade Certificate of Review has been amended to change the name of its current Export Trade Certificate of Review from "Carpenter Body Works, Inc." to "Carpenter Manufacturing, Inc." The Export Trade, Export Trade Facilitation Services, Export Markets, Export Trade Activities, and Methods of Operation covered by the certificate of review are unchanged.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: February 19, 1992.

George Muller

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-4216 Filed 2-24-92; 8:45 am]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review

ACTION: Notice of application for an amendment to an export trade certificate of review.

SUMMARY: The Office of Export Trading Company Affairs (OETCA), International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination of whether the Certificate should be amended. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 90-2A006."

OETCA has received the following application for an amendment to Export Trade Certificate of Review No. 90-00006, which was issued on July 9, 1990 (55 FR 28801, July 13, 1990), and previously amended April 30, 1991 (56 FR 21128, May 7, 1991).

Summary of the Application

Applicant: Forging Industry Association ("FIA"), 25 Prospect Avenue West, Suite 300, LTV Building, Cleveland, Ohio 44115

Contact: Robert W. Atkinson, Executive Vice President, Telephone: (216) 781-6260

Application No.: 90-2A006

Date Deemed Submitted: February 19, 1992

Request For Amended Conduct:

FIA seeks to amend its Certificate to:

1. Add the following eight companies as "Members" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): The Drop Dies & Forgings Co., Cleveland, OH; FMC Steel Products Division, Anniston, AL, (controlling entity: FMC Corporation, Chicago, IL); Hussey Marine Alloys LTD., Leetsdale, PA; Earle M. Jorgensen Co., Forge Division, Seattle, WA; (controlling entity: Earle M. Jorgensen Co., Seattle, WA); KomTek, Worcester, MA (controlling entity: Kervick Enterprises Inc., Worcester, MA); Ladish Co., Inc., Cudahy, WI; Union Forging Company, Endicott, NY (controlling entity UIS, Inc., New York, NY); Western Forge & Flange Co., Santa Clara, CA; and

2. Delete Bethlehem Steel Corporation, BethForge Division, Bethlehem, PA as a "Member" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)).

Dated: February 19, 1992

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-4217 Filed 2-24-92; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

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

Title, Applicable Form, and Applicable OMB Control Number: Transition Assistance Survey.

Type of Request: New collection; expedited submission—approval dated requested: 30 days after publication in the **Federal Register.**

Average Burden Hours/Minutes Per Response: 15 minutes.

Responses per Respondent: 1.

Number of Respondents: 1,000.

Annual Burden Hours: 250.

Annual Responses: 1,000.

Needs and Uses: This survey is being used for Air Force personnel who were involuntarily discharged in the past ten months. The Air Force wants to know the employment status of this group and their opinions about transition assistance seminars. Data will be used to improve services to departing members.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3234, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: February 20, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-4240 Filed 2-24-92; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0015]

OMB Clearance Request for Contractor Inventory Schedules

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000-0015).

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 an extension of a currently approved information collection requirement concerning OMB Control Number 9000-0015, Contractor Inventory Schedules.

DATES: Comments may be submitted on or before April 27, 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

The series of standard forms (SF's) covering contractors' inventories (SF's 1423-1434) are essential for reporting, redistribution, and disposal of excess Government property at contractor plants (upon contract completion) and contractor termination inventory in support of contractor termination settlement proposals.

The contractor who is accountable for the property or who is submitting a termination settlement proposal is responsible for completing the inventory schedules.

These inventory schedules are the only means by which contractors report excess contractor inventory and by which the Government is able to achieve screening, redistribution and disposal of such property. They are also the only means of contractors supporting the inventory portion of their termination settlement proposals and accounting for Government property in their possession. Thus, this information is not available to those requiring it from any other source.

A variety of activities utilize these inventory schedules. Thus, the Termination Contracting Officer and the cognizant audit agency use the schedules in evaluating the termination charges being claimed under terminated Government contracts. The Property Administrator of the contract administration office uses the schedules to ensure that the contractor has accounted for all Government property in its possession.

In addition, screening activities of the owning agency, as well as GSA and other Federal agencies authorized to acquire such property, also use the schedules for effecting redistribution of the property within the Government. Eligible donees, under the donation program, similarly use the schedules for screening purposes. Finally, the cognizant plant clearance office uses the schedules for effecting disposition of any items determined to be surplus to the Government's requirements.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 12,500; responses per respondent, 4; total annual responses, 50,000; preparation hours per response, 1; and total response burden hours, 50,000.

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 Control No. 9000-0015, Contractor Inventory Schedules, in all correspondence.

Dated: February 14, 1992.

Laurie A. Frazier,

FAR Secretariat.

[FR Doc. 92-4254 Filed 2-24-92; 8:45 am]

BILLING CODE 6820-JC-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach - Global Power: 1995-2020 (Mobility Panel) will meet on 11-12

March 1992, at the RAND Corporation, 1700 Main Street, Santa Monica, CA, at 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

Patsy J. Conner,

Air Force Federal Register, Liaison Officer.

[FR Doc. 92-4262 Filed 2-24-92; 8:45am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board of the Space and C³I Panel of 1992 Summer Study on Global Reach/Global Power will meet on 26-28 March 1992 from 8 a.m. to 5 p.m. at the Pentagon, Washington, DC.

The purpose of this meeting is to receive briefings and hold discussions on projects related to Space and C³I in support of Global Reach/Global Power. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-4189 Filed 2-24-92; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Committee on Technology to Support Force Projection: Global Reach—Global Power will meet on 19-20 March 1992, at the Hughes Aircraft Company, 7200 Hughes Terrace, Canoga Park, CA from 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-4190 Filed 2-24-92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board, Closed Meeting

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

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

Dates/Time of Meeting: 10-11 March 1992.

Time: 0800-1700 hours daily.

Place: Fort Monmouth, NJ.

Agenda: Members of the 1992 ASB Summer Study, "C2 on the Move" will meet to continue work on the study. The purpose of this Classified meeting is directed to interviews with commanders who participated in Desert Storm and Just Cause. Areas of interest are in both "real world" operational concerns and command and control areas. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-4314 Filed 2-24-92; 8:45 am]

BILLING CODE 3710-08-M

Standardization of International and Domestic Carrier Evaluation Reporting System, Personal Property Traffic Management

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

ACTION: Implementation and effective dates.

SUMMARY: MTMC is standardizing the policies and procedures in the International Carrier Evaluation and Reporting System (ICERS) and the Domestic Carrier Evaluation and Reporting System (CERS) programs. The program objectives are to streamline the process of evaluating carriers and standardize procedures for domestic and international personal property shipping offices (PPSOs), reducing the administrative workload for both the PPSOs and the carriers who are currently operating under two different quality assurance programs, CERS and ICERS.

DATES: Effective 16 February 1992 for the International Program and 16 March 1992 for the Domestic Program.

FOR FURTHER INFORMATION CONTACT: Captain Jeff Miser or Ms. Betty Wells at (703) 756-1784, HQMTMC, ATTN: MTPP-QQ, 5611 Columbia Pike, Falls Church, VA 22041-5050.

SUPPLEMENTARY INFORMATION: For reasons set forth in the summary and under the authority of DOD Directives 5126.9 and 4500.34, the revision will supersede the current procedures published in DOD 4500.34-R, Chapter 2, Personal Property Traffic Management Regulations; the CERS pamphlet, dated March 1984; and the ICERS pamphlet, dated 1 June 1987. The program was initially published for comments in the **Federal Register**, Volume 55, Number 91 (55 FR 19643, May 10, 1990). Comments were received in writing and during several public briefings on the program: 6 September 1991, 19 September 1991, and 23-24 October 1991. Some revisions to the program were made based on the comments received. A review of the results of the new program is scheduled for one year after implementation. A copy of the revised program entitled "Total Quality Assurance Program" (TQAP) is available in the public file at HQMTMC. The significant changes contained in the revision are as follows:

A. Carrier Assessment Program

1. Performance Factors.

a. One-Time Pickup—A carrier will be awarded 20 points for meeting the established pickup date. A carrier failing to effect pickup, as ordered, will receive no points.

b. On-Time Delivery—A carrier will be awarded 40 points for meeting the established required delivery date (RDD). Four points will be deducted for each day the shipment is late, up to a maximum of 40 points.

c. Loss and or Damage—A carrier will be awarded 40 points for no loss or damage, as indicated on the DD Form 1840 (Joint Statement of Loss and Damage at Delivery), DD Form 1840R (Notice of Loss or Damage), or other documentation. Two points will be deducted for each $100 increment up to $500, and 6 points for loss and damage in $100 increments of $501-$901. In absence of any documents reflecting loss or damage, no points will be awarded.

2. Individual Shipment Scores. All shipments will be individually scored on the above performance factors 1 year after pickup date or 120 days after

delivery. A score of 90 percent or above on each shipment is considered satisfactory. A score below 90 percent, on any shipment is considered a failing score.

3. Semiannual Scores. The individual shipment scores will be averaged together for each six month evaluation period. Each carrier will receive only one domestic household goods (HHGs) score, (Codes 1 and 2), one international HHGs score (Codes 4, 5, 6, and T), and one unaccompanied baggage (UB) score (Codes 7, 8, and J), as applicable, out of an installation or activity regardless of areas of operation or traffic channels. Semiannual scores under 90 percent will be considered unsatisfactory and result in specified periods of traffic denial. A carrier who does not receive a shipment evaluation during the evaluation period, will have the last semiannual score carried forward. The scores will be used to qualify and establish the order for awarding traffic during the next rate cycle.

4. Traffic Denial. Semiannual scores below 90 percent will result in periods of traffic denial. Semiannual average scores of 80 to 89.99 will result in 60 days of traffic denial, scores of 70 to 70.99 will result in 120 days, and scores below 70 will result in 180 days of traffic denial. Carriers placed in a traffic denial status will be automatically returned to the traffic distribution record (TDR) at the end of the traffic denial period, with an administrative score of 90, with no further review of their performance file.

B. Quality Assurance Procedures

When a carrier or agent violates any provision of the Tender of Service, applicable rate tariffs or tenders, or commits unethical or unlawful acts, the PPSO shall take action to warn or suspend the carrier or to recommend the carrier's disqualification to the MTMC Area Command, MTMCPAC–PP, or MTEUR–PP, as applicable.

1. Letters of Warning. The PPSO will issue a Letter of Warning, using DD Form 1814, to note an unacceptable trend or performance problem. Letters of Warning will not be issued for each Tender of Service violation. The Letter of Warning will serve as a formal warning and will normally precede a Letter of Suspension.

2. Suspensions. The PPSO shall issue a Letter of Suspension, using a DD Form 1814, to the carrier after repeated violations of the Tender of Service, rules and regulations of rate tariffs or tenders, legal requirements, or commits unethical acts. Suspensions will apply to through Government bills of lading traffic as follows: HHG (Codes 1 and 2); international through Government bills of lading HHG (Codes 4, 5, 6, and T); or UB (Codes 7, 8, and J).

a. All suspensions will be for a minimum of 30 days during which time no shipments for the applicable codes of service identified in number 2 above will be booked with the carrier. The carrier will not be tendered shipments after the 30 day period until satisfactory evidence is provided to the PP indicating that the circumstances which gave rise to the suspension have been corrected.

b. Should a carrier fail to provide the PPSO adequate evidence of effective corrective action within 90 days of the effective date of the suspension, the PPSO will provide the carrier a "Notice of Intent to Return the Letter of Intent." The carrier will be advised that failure to respond within 30 days from the date of the notice will result in automatic return of the Letter of Intent, thereby, cancelling the rates for the rest of the cycle and possibly future cycles.

C. Appeals

A carrier has 45 days from the day of the aciton to submit a written appeal to the responsible PPSO. If an appeal is denied by the PPSO, it may be further appealed by the carrier to the responsible MTMC Area Command, MTMCPAC–PP, MTEUR–PP, as appropriate. If an appeal cannot be resolved by the MTMC Area Command, MTMCPAC–PP, or MTEUR–PP, it shall be forwarded to HQMTMC, ATTN: MTPP–Q, for resolution. The area command/field office will be the final appellate authority on semiannual score appeals. For all other actions, the decision of HQMTMC, shall be final.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–3909 Filed 2–24–92; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Office of the Secretary

National Energy Strategy Report

AGENCY: Office of the Secretary, Department of Energy.

ACTION: Notice of availabity of the National Energy Statregy Report—One Year Later.

SUMMARY: The Department of Energy will present a report on the Administration's progress in implementing the National Energy Strategy titled, National Energy Strategy—One Year Later. The National Energy Strategy, first published on February 20, 1991, calls for more than 100 specific legislative and administrative actions to increase energy efficiency, spur economic growth, enhance the quality of the environment and increase our energy security. The Administration has moved aggressively to act on the more than 90 Strategy intiatives that could be implemented under the existing statutory authority. The list of accomplishments includes energy conservation and efficiency actions, energy-related regulatory reforms, and significantly increased budgetary emphasis on research and development important to long-term implementation of the Strategy.

DATES: The report was available on Thursday, February 20, 1992.

ADDRESSES: Persons requiring a single copy of the report, may write to: U.S. Department of Energy, Public Inquiries, room 1E–206, Mail Stop: PA–5, 1000 Independence Avenue, SW., Washington, DC 20585, or call (202) 586–3188. Multiple copies are available for a fee from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161, (703) 487–4660, and the Office of Scientific and Technical Information, Post Office Box 62, Oak Ridge, Tennessee 37831, (615) 576–8401.

Peter B. Saba,

Principal Associate Deputy Under Secretary, Policy, Planning and Analysis.

FR Doc. 92–4266 Filed 2–24–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TQ92-2-22-001]

CNG Transmission Corporation; Supplemental Filing

February 19, 1992.

Take notice that CNG Transmission Corporation (CNG), on February 14, 1992, pursuant to section 4 of the Natural Gas Act, part 154 of the Commission's Regulations, and section 12 of the General Terms and Conditions of CNG's tariff, filed the following revised tariff sheets to First Revised Volume No. 1 of its FERC Gas Tariff:

Eighteenth Revised Sheet No. 31
Thirteenth Revised Sheet No. 34

The purpose of this filing is to correct an inadvertent error in the original filing and to reflect a recent change in the rates of Tennessee Gas Pipeline Company ("Tennessee"). Tennessee on January 31, 1992, moved to place revised rates into effect on February 1, 1992 in Docket No. RP91–203.

CNG requests an effective date of March 1, 1991. In the event that the Commission does not grant CNG a shortened notice period for the supplemental tariff sheets, CNG requests an April 1, 1992, effective date in order to avoid split-month billings.

CNG states that copies of the filing were served upon CNG's sales customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's rules of practice and procedures, 18 CFR 385.211. All such protests should be filed on or before February 26, 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. 92-4204 Filed 2-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-1-012 and RP92-86-001]

Mojave Pipeline Co.; Tariff Filing

February 19, 1992.

Take notice that Mojave Pipeline Company (Mojave), on February 14, 1992, tendered for filing Second Substitute Tariff sheets to its FERC Gas Tariff Original Volume No. 1, in compliance with part 154 of the Commission's regulations and the Commission's orders of January 30, 1992, in Docket Nos. CP89-1-008 *et al.*, and February 5, 1992, in Docket No. RP92-86-000, to be effective February 1, 1992.

Mojave states that Second Substitute Original Sheet No. 11 contains revised rates for firm and interruptible transportation as authorized by the Commission in its order of January 31, 1992. Mojave has also submitted an Alternate Second Substitute Original Sheet No. 11, which contains rates proposed in Mojave's Request for Rehearing. In addition, Mojave has submitted a Second Alternate Second Substitute Original Sheet No. 11, which contains the rates Mojave would be authorized to charge if its motion for issuance of errata, filed on February 11, 1992 in Docket No. CP89-1-008, were grated in its entirety but no other relief sought in Mojave's request for rehearing were granted.

Mojave states that Second Substitute Original Sheet Nos. 110, 111, 111A and 112 make changes concerning marketing affiliates as required in the Commission's Order of February 5, 1992.

Mojave states that copies of the filing were served upon Mojave's jurisdictional transportation customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with Rule 211 of the Commission's rules of practice and procedures, 18 CFR 385.211. All such protests should be filed on or before February 26, 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. 92-4205 Filed 2-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ92-1-82-001 and RP92-48-002]

Viking Gas Transmission Company; Compliance Filing

February 19, 1992.

Take notice that on February 13, 1992, Viking Gas Transmission Company ("Viking") filed the following tariff sheet in compliance with a Commission order issued on January 29, 1992, in the above-referenced dockets:

Original Volume No. 1

Eighteenth Revised Sheet No. 6

Viking filed a quarterly purchased gas adjustment on December 31, 1992. In its January 29, 1992 order, the Commission accepted Viking's filing subject to refund and to Viking filing, within 15 days of the date of the Commission's order, a tariff sheet reflecting the base tariff rates in Docket No. RP92-48-000 that were accepted effective January 1, 1992. Viking states that this tariff sheet, which Viking proposes become effective on February 1, 1992, is filed to satisfy that requirement.

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 February 26, 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. 92-4206 Filed 2-24-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 91-114-NG]

Kimball Energy Corporation; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import natural gas from canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on December 23, 1991, of an application filed by Kimball Energy Corporation (Kimball) requesting blanket authorization to import up to 75 Bcf of natural gas from Canada over a two-year period commencing on April 1, 1992, the date on which Kimball's current two-year blanket import authorization expires.[1] Kimball intends to use existing facilities and submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time March 26, 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) 586-9482.

FOR FURTHER INFORMATION CONTACT:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000

[1] DOE/FE Opinion and Order 397, 1 FE Para. 70,324 (June 5, 1991).

Independence Avenue, SW., Washington, DC 20585, (202) 586-7751.
Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, CG-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0503.

SUPPLEMENTARY INFORMATION: Kimball, a Texas corporation with its principal place of business in Arlington, Texas, is a natural gas marketer. Kimball requests authority to continue importing gas, either for its own account or as an agent on behalf of others, for sale to U.S. customers. The terms of each spot or short-term transaction will be determined by competitive factors in the natural gas marketplace.

The decision on this application for import authority will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties, especially those that may oppose this application, should comment on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts imports made under the proposed arrangement will be competitive and otherwise consistent with DOE import policy. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or 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 Kimball's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 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, on February 18, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-4265 Filed 2-24-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-110-NG]

Teco Gas Marketing Company; Application To Export Natural Gas to Mexico

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on December 20, 1991, of an application filed by Teco Gas Marketing Company (Teco), requesting blanket authorization to export up to 200,000 MMBtu per day of natural gas over a two-year period commencing with the date of first delivery. Teco intends to use existing pipeline facilities and states that it will submit quarterly reports detailing each transaction and will advise the DOE of the date of the first delivery.

The application is filed under section 3 of the National Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time March 26, 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:

Stanley C. Vass, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9482.
Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9482.

SUPPLEMENTARY INFORMATION: Teco is a corporation organized under the laws of the State of Delaware with its principal place of business in Houston, Texas. Teco proposes to purchase gas from U.S. producers at market responsive prices for sale to various Mexican purchasers. Teco asserts that all gas exported would be surplus to domestic need and that all sales would result from arms-length negotiations.

The export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204–111 and 0204–127. In deciding whether the proposed export is in the public interest, domestic need for the gas will be considered, and any other issues determined to be appropriate, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts that there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing this arrangement bear the burden of overcoming this assertion.

All persons should be aware that if DOE approves this import, it may designate a total term volume, rather than the maximum daily volumes requested, in order to provide Teco with maximum operating flexibility.

EPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C., 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trail-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of Teco'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, February 18, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–4264 Filed 2–24–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Cases Filed During the Week of January 10 Through January 17, 1992

Office of Hearings and Appeals

During the week of January 10 through January 17, 1992, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 20, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 10 through January 17, 1992]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 13, 1992	William Albert Hewgley Kingston, TN	LFA–0178	Appeal of an Information Request Denial. If granted: William Albert Hewgley would receive access to DOE information.
Jan. 15, 1992	Mobil/Cantro Petroleum Corporation Hartford, CT	RR225–41	Request for modification/rescission in the Mobil Refund Proceeding. If granted: The U.S. District Court for the District of Connecticut has remanded the Mobil Oil Corporation refund calculation made in the Decision and Order issued June 18, 1989 to Cantro Petroleum Corporation, Case No. RR225–373, for further explanation.
Jan. 16, 1992	Gulf/Rooks Grocery Store Woodbridge, VA	RR300–125	Request for modification/rescission in the Gulf Refund Proceeding. If granted: The October 29, 1991 Dismissal Letter (Case No. RF300–12767) issued to Rooks Grocery Store would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of January 10 through January 17, 1992]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 17, 1992	Gulf/Woodland Gulf Cordova, TN	RR300-126	Request for modification/recission in the Gulf Refund Proceeding. If granted: The November 20, 1991 Decision and Order (Case No. RF300-12755) is issued to Woodland Gulf would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.
Jan. 17, 1992	J. M. Davis Industries, Inc. Morehead City, NC	LEE-0034	Exception to the reporting requirements. If granted: J. M. Davis Industries, Inc. would not be required to file Form EIA-782B, "Reseller/Retailer's Monthly Petroleum Product Sales Report."

REFUND APPLICATIONS RECEIVED

[Week of January 10 to January 17, 1992]

Date received	Name of refund proceeding/name of refund applicant	Case No.
1/13/92	Jim Jordans Clark Super 100	RF342-121.
1/13/92	Tom's Clark Super 100	RF342-122.
1/13/92	Killeen Propane & Hardware	RF340-46.
1/14/92	Don's Clark	RF342-123.
1/15/92	Reilly Bros. Oil	RF304-12695.
1/15/92	Consumers Coop of Walworth	RF272-91411.
1/15/92	Southwest Butane Company	RF340-47.
1/15/92	Engel, Inc.	RF340-48.
1/16/92	Evans Oil Company	RF340-49.
1/17/92	Fraley Butane Company, Inc.	RF340-50.
1/17/92	Bob's Atlantic	RF304-12696.
1/17/92	Ramada Arco Service	RF304-12697.
1/17/92	Hampartosoun Torian	RF304-12698.
1/17/92	Reggie's Arco	RF304-12699.
1/17/92	Artz's Arco	RF304-12700.
1/17/92	Dana Point Fuel Dock	RF304-12701.
1/10/92 thru 1/17/92	Texaco refund applications received	RF321-18360 thru RF321-18388.
1/10/92 thru 1/17/92	Crude Oil applications received	RF272-91382 thru RF272-91435.
1/10/92 thru 1/17/92	Gulf Oil refund applications received	RF300-19404 thru RF300-19418.

[FR Doc. 92-4267 Filed 2-24-92; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed; Port of Beaumont Navigation District/Neches River Terminal Inc. Lease Agreement; et al.

The Fedeal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200619.

Title: Port of Beaumont Navigation District/Neches River Terminal, Inc. Lease Agreement.

Parties: Port of Beaumont Navigation District/Neches River Terminal, Inc.

Synopsis: This Agreement, filed February 12, 1992, provides for the lease of a facility for receiving, storage and loading of bulk cargo.

Agreement No.: 224-200620.

Title: Maryland Port Administration/Hale Container, Inc.

Parties: Maryland Port Administration ("MPA") Hale Container, Inc. ("Hale").

Synopsis: This Agreement, filed February 13, 1992, provides that MPA will lease approximately 3 acres at its Dundalk Marine Terminal to Hale for a one year period.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: February 19, 1992.

[FR Doc. 92-4196 Filed 2-24-92; 8:45 am]

BILLING CODE 6730-01-M

City of Los Angeles/Stevedoring Services of America; et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200621.

Title: City of Los Angeles/Stevedoring Services of America Nonexclusive Preferential Crane Assignment.

Parties:

City of Los Angeles

Stevedoring Services of America.

Synopsis: This Agreement, filed February 14, 1992, provides for the assignment of Crane No. 209–3 at Berth 228 owned by the Los Angeles Harbor Department to Stevedoring Services of America on a nonexclusive preferential basis. The assignment time shall be on a month-to-month basis.

Agreement No.: 203–011367.

Title: Colombia Discussion Agreement.

Parties:

Lykes Bros. Steamship Co., Inc.
Flota Mercante Grancolombiana S.A. (F.M.G.)
Frontier Liner Services.

Synopsis: The purposed Agreement would authorize the parties to meet, discuss and agree on rates and charges in the trade between U.S. Atlantic, Gulf and Pacific Coast ports and ports in the Republic of Colombia. The parties have no obligation under this Agreement, other than voluntarily, to adhere to any consensus or agreement reached. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: February 20, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–4250 Filed 2–24–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank of Camden Employee Stock Ownership Plan; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than March 17, 1992.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Bank of Camden Employee Stock Ownership Plan, Camden, Tennessee; to acquire at least 9.83 percent, but no more than 12.20 percent, of the voting shares of Bancshares of Camden, Inc., Camden, Tennessee, and thereby indirectly acquire Bank of Camden, Camden, Tennessee.

Board of Governors of the Federal Reserve System, February 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–4218 Filed 2–24–92; 8:45 am]

BILLING CODE 6210–01–F

CNB Financial Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than March 23, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. CNB Financial Corp., Canajoharie, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Central National Bank, Canajoharie, Canajoharie, New York.

Board of Governors of the Federal Reserve System, February 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–4219 Filed 2–24–92; 8:45 am]

BILLING CODE 6210–01–F

First Mid-Illinois Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 23, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. First Mid-Illinois Bancshares, Inc., Mattoon, Illinois; to acquire Heartland

Federal Savings & Loan Association, Mattoon, Illinois, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 19, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4220 Filed 2-24-92; 8:45 am]

BILLING CODE 6210-01-F

Morrill Bancshares, Inc., Morrill & Janes Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The companies listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications are available for immediate inspection at the Federal Reserve Bank indicated. The applications are also available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than March 10, 1992.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Morrill Bancshares, Inc.*, Sabetha, Kansas; and Morrill and Janes Bancshares, Inc., Hiawatha, Kansas, to acquire 100 percent of the voting shares of Robinson Bancshares, Inc., Robinson, Kansas.

Board of Governors of the Federal Reserve System, February 21, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4354 Filed 2-24-92; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

National Advisory Council for Health Care Policy, Research, and Evaluation; Meeting

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a public meeting of a Technology Assessment Task Force of the National Advisory Council for Health Care Policy, Research, and Evaluation. The Task Force was created to consider with all interested parties the utility of holding public meetings to channel information and opinions on health care technology issues to the Council.

DATES: The meeting, open to the public, will be on March 16, 1992, from 1 p.m. to 5:30 p.m. and March 17, 1992, from 9 a.m. to 12 p.m.

ADDRESSES: The meeting will be at the Sheraton Washington, 2660 Woodley Road, NW., Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Deborah L. Queenan, Executive Secretary of the Advisory Council, Agency for Health Care Policy and Research, suite 603, 2101 East Jefferson Street, Rockville, Maryland 20852, (301) 227-8459.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Health Care Policy, Research, and Evaluation. The Council provides advice to the Secretary and the Administrator, Agency for Health Care Policy and Research, on matters related to enhancement of the quality, appropriateness, and effectiveness of health care services and access to such services through scientific research and the promotion of improvements in clinical practice and the organization, financing, and delivery of health care services. In order to better advise the Administrator on health care technology issues, the Council named a ten member Technology Assessment Task Force. The Task Force was directed to convene a public meeting for interested parties to discuss the potential benefits of, and formats for, a regular public forum for the presentation of information and recommendations regarding technology assessment issues for Council consideration.

Of the ten current Council members of the Task Force, seven are public members: Mr. Edward C. Bessey; Joseph T. Curti, M.D.; William S. Kiser, M.D.; Kermit B. Knudsen, M.D.; Barbara J. McNeil, M.D., Ph.D.; Walter J. McNerney; and Donald E. Wilson, M.D. Three Federal ex officio members, or their representatives, will also serve: the Administrator of the Health Care Financing Administration, the Commissioner of the Food and Drug Administration, and the Director of National Institutes of Health.

II. Agenda

On March 16, from 1 p.m. to 5:30 p.m., the Task Force will hear presentations and accept written comments from any interested parties on methods of opening public discussion of health care technology assessment issues and on options for future public discussions. On March 17, from 9 a.m. to 12 p.m., the Task Force will review information presented the previous dav. The Technology Assessment Task Force will present its findings to the Council at the meeting scheduled for May 21-22, 1992.

Participants may make oral presentations of no more than 5 minutes. Written comments also may be submitted. Persons wishing to make an oral statement should contact the Executive Secretary of the Council at the phone number above in order to schedule time for participation.

Agenda items are subject to change as priorities dictate.

Dated: February 14, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92-4182 Filed 2-24-92; 8:45 am]

BILLING CODE 4160-90-M

Centers for Disease Control

[Announcement Number 203]

A Project Grant to Coordinate a National Infant Immunization Coalition and to Coordinate the Development of State and Local Infant Immunization Coalitions

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces the availability of funds for one project grant to coordinate a national infant immunization coalition of diverse national organizations representing public and private health professionals, minorities, volunteers, consumers, community organizations,

government entities, and others and to develop local infant immunization coalitions in 6 to 10 high morbidity, inner-city and comparable rural areas. The purpose of this project is to improve immunization levels in the preschool age group.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the section **WHERE TO OBTAIN ADDITIONAL INFORMATION.**)

Authority

This program is authorized under the Public Service Act, section 317k(3) (42 U.S.C. 247b(k)(3)), as amended.

Eligibility

Eligible applicants are non-profit organizations with a national membership which devote most of their activities to maternal and child health (MCH) issues. Applicants must also have an established coalition of diverse national organizations which promote public health educational efforts, including immunization, for pregnant women, new mothers, and their families. The coalition should include public and private health professionals, minorities, volunteers, consumers, community organizations, government entities, and others.

Availability of Funds

Approximately $80,000 is available in Fiscal Year 1992 to fund one project grant. It is expected that the award will begin on or about April 15, 1992, for a 12-month budget period, within a 3-year project period. The funding estimate may vary and is subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of this project grant is to improve immunization levels in the preschool age group. The specific goals are: (A) To promote public awareness and education about immunization, with a special focus on reaching high risk, minority families; (B) to develop local infant immunization coalitions in 6 to 10 targeted areas to assist in implementing part of the strategies and plans; and (C) to provide training to ensure that state/local coalition members are informed advocates for immunization.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the following activities:

1. Coordinate the activities of the infant immunization coalition. Coordination includes, but is not limited to, communicating with or between members of the national coalition; providing orientation and referral of potential new members and participants in the coalition; jointly developing meeting agendas and conducting meetings with CDC and others; and making logistical arrangements for meetings.

2. Develop a strategic plan for the identification of 6 to 10 state/local targeted areas (high morbidity inner-city and rural); analyze the extent of the resources in each area; and select the types of organizations which should be included in the local coalition.

3. Serve as the lead organization to develope local coalitions of informed advocates, organizations, and community leaders to promote the need for immunization services and programs.

4. Work with state and local health agencies and community-based primary care programs (e.g. community and migrant health centers and others) to identify the major immunization problems which require a broad base of community support to achieve resolution.

5. Convene meetings of public and private health care providers, volunteer groups, community-based organizations, consumer advocates, members of the corporate sector, and other organizations to inform them of the immunization issues and problems and to solicit and focus their unique support/contribution to the effort.

6. Develop instructional protocols and manuals to enable state/local coalition chapters to train individuals, organizations, and community leaders as advocates to promote immunization services.

7. Provide training to ensure that state/local coalition members are informed advocates for immunization.

Evaluation Criteria

Each application will be reviewed and evaluated according to the following criteria (Maximum 100 points):

A. The ability of the applicant to describe its experience in coordinating coalitions of diverse organizations and effectively demonstrate a clear understanding of the purpose of this project. (Maximum 30 points)

B. The extent to which the applicant's short- and long-term objectives are realistic, measurable, time-phased, and consistent with the purpose of the program. (Maximum 10 points)

c. The extent to which the applicant demonstrates that is has the necessary administrative support and accessibility to participants in 6 to 10 inner-city and comparable rural areas with a high morbidity rate of vaccine-preventable diseases to accomplish the goals of this project. (Maximum 10 points)

D. The overall effectiveness of the applicant's proposed activities and the methods for meeting the stated objectives. (Maximum 10 points)

E. The adequacy of plans to evaluate progress in implementing methods and achieving objectives. (Maximum 10 points)

F. The extent to which qualified and experienced personnel are available to carry out the proposed activities. (Maximum 10 points)

G. The ability of the applicant to demonstrate that it has the necessary systems already in place to communicate effectively with its constituency through regular written communications such as newsletters, "dear colleague" letters, and the like *and* through sponsoring or promoting regularly scheduled local, regional, and national meetings of their chapters, affiliates, and individuals to share information, transfer skills, and promote initiatives in maternal and child health. (Maximum 10 points)

H. The degree to which letters from community leaders and state and local public health agencies indicate that the applicant has their support and involvement in carrying out the proposed activities of this project. (Maximum 10 points)

Consideration will also be given to the extent to which the budget request is clearly explained and adequately justified, reasonable, and consistent with the intended use of funds.

Executive Order 12372

Applications are not subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372 (45 CFR part 100).

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this project grant is 93.185.

Application and Submission Deadline

The original and two copies of the application (Form PHS-5161-1) must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and

Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Mailstop E-14, Atlanta, GA 30305 on or before March 24, 1992.

1. Deadline

Applications shall be considered as meeting the deadline if they are:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review committee. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. Late Applications

Applications that do not meet the criteria in 1.a. or 1.b. are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures and application package may be obtained from Lynn Mercer, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control 255 East Paces Ferry Road, NE., room 300, Mailstop E-14, Atlanta, GA 30305, (404) 842-6640 or FTS 236-6640. Please refer to Announcement Number 203 when requesting information and submitting any application on the Request for Assistance.

Programmatic technical assistance may be obtained from Kenneth N. Anderson, Division of Immunization, National Center for Prevention Services, Centers for Disease Control, Mailstop E-52, Atlanta, GA 30333, (404) 639-1421 or FTS 236-1421.

A copy of Healthy People 2000 (Full Report; Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) referenced in the INTRODUCTION may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone (202)783-3238).

Dated: February 19, 1992.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 92-4213 Filed 2-24-92; 8:45 am]

BILLING CODE 4160-90-M

Food and Drug Administration

[Docket No. 92N-0073]

Drug Export; Blood Grouping Reagent: Anti-C (ANTI-HR') (Monoclonal) Bioclone for Slide, Tube, and Microplate Test

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ortho Diagnostic Systems, Inc., has filed an application requesting approval for the export of the biological products Blood Grouping Reagent-Anti-c (Anti-hr') (Monoclonal) BioClone for Slide, Tube, and Microplate Test to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockvile, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Ortho Diagnostic Systems, Inc., Route 202, Raritan, NJ 08869, has filed an application requesting approval for the export of the biological products Blood Grouping Reagent, Anti-c (Anti-hr') (Monoclonal) BioClone for Slide, Tube, and Microplate Test to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The Blood Grouping Reagent, (Anti-hr') (Monoclonal) BioClone for Slide, Tube, and Microplate Test is a qualitative test designed for use in hemagglutination tests for recognition of the c (hr') antigen on human erythrocytes.

The application was received and filed in the Center for Biologics Evaluation and Research on January 31, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 6, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: February 11, 1992.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 92-4184 Filed 2-24-92; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also

summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Blood Products Advisory Committee

Date, time, and place. March 12 and 13, 1992, 8:30 a.m., Holiday Inn-Bethesda, Versailles Ballrooms III and IV, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, March 12, 1992, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, March 13, 1992, 8:30 a.m. to 3 p.m.; Linda A. Smallwood, Center of Biologics Evaluation and Research (HFB-902), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-227-6700.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 6, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 12, 1992, the committee will: (1) Review and discuss recommendations for use of multi-antigen screening tests that detect antibodies to the Hepatitis C Virus (anti-HCV), (2) review and discuss the false positive screening results associated with influenza immunization, and (3) discuss issues related to the use of the Chiron RIBA-II™ immunoblot test assay for anti-HCV. On March 13, 1992, the committee will consider FDA recommendations pertaining to the following blood issues: (1) HIV-related donor deferral criteria, and (2) "fresh" blood requirements and laboratory testing procedures.

Board of Tea Experts

Dater, time, and place. March 19 and 20, 1992, 10 a.m., New York Regional Laboratory, rm. 700, 850 Third Ave., Brooklyn, NY.

Type of meeting and contact person. Open public hearing, March 19, 1992, 10 a.m. to 11 a.m., unless public participation does not last that long; open committee discussion, 11 a.m. to 4:30 p.m.; open committee discussion, March 20, 1992, 10 a.m. to 4:30 p.m.; Robert H. Dick, New York Regional Laboratory, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212-965-5739.

General function of the committee. The committee advises on establishment of uniform standards of purity, quality, and fitness for consumption of all tea imported into the United States under 21 U.S.C. 42.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss and select tea standards.

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. March 23, 1992, 8 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 8:30 a.m., unless public participation does not last that long; open committee discussion, 8:30 a.m. to 1:30 p.m.; open public hearing, 1:30 p.m. to 2 p.m., unless public participation does not last that long; open committee discussion, 2 p.m. to 5 p.m.; Leander B. Madoo, Center for Drug Evaluation and Reasearch (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 9, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss:

(1) New drug application 19-878, Pentyde (Dura Pharmaceuticals);

(2) Marketing status of Organidin (Carter Wallace, Inc.); and

(3) OTC switch applications for Tavist/Tavist D (Sandoz Pharmaceuticals).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not is also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: February 19, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy

[FR Doc. 92-4185 Filed 2-24-92; 8:45 am]

BILLING CODE 4160-01-M

Generic Topical Corticosteroids; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is holding a meeting on bioequivalence issues related to generic topical corticosteroids. This meeting is to inform interested persons about FDA's plans to document bioequivalence between generic and innovator topical corticosteroid formulations.

DATES: The meeting will be held on Friday, March 27, 1992, between 9 a.m. and 12:30 p.m. Registration will be held between 8 a.m. and 9 a.m., March 27, 1992. Because space is limited, preregistration with the contact person before March 20, 1992, is encouraged.

ADDRESSES: The meeting will be held in Conference Rm. D, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

FOR FURTHER INFORMATION CONTACT: Justina A. Molzon, Center for Drug Evaluation and Research (HFD-600), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8365, 301-295-8183 (fax).

SUPPLEMENTARY INFORMATION: FDA's Center for Drug Evaluation and Research's Office of Generic Drugs and Office of Small Business, Scientific, and Trade Affairs are cosponsoring a meeting on bioequivalence issues related to generic topical corticosteroids. The goal of the meeting is to inform interested persons about FDA's plans to document bioequivalence between generic and innovator topical corticosteroid formulations.

Because space is limited in the conference room, preregistration with the contact person (**FOR FURTHER INFORMATION CONTACT** section) before March 20, 1992, is encouraged. To preregister, provide the contact person with company name, address, telephone number, facsimile number, affiliation (if applicable), the number of people attending, and the names and titles of the people who wish to attend.

Dated: February 19, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy

[FR Doc. 92-4273 Filed 2-24-92; 8:45 am]

BILLING CODE 4106-01-M

National Institutes of Health

National Center for Research Resources; Meeting of the Biomedical Research Technology Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Research Technology Review Committee, National Center for Research Resources, National Institutes of Health.

This meeting will be open to the public as listed below for a brief staff presentation on the current status of the Biomedical Research Technology Program and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public as listed below for the review, discussion and evaluation of individual grant applications submitted to the Biomedical Research Technology Program. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James J. Doherty, Acting Information Officer, National Center for Research Resources, National Institutes of Health, Westwood Building, room 10A15, Bethesda, Maryland 20892, (301) 496-5545, will provide a summary of the meeting and a roster of the Committee members upon request. Other information pertaining to the meeting can be obtained from the Scientific Review Administrator.

Name of Committee: Biomedical Research Technology Review Committee.

Scientific Review Administrator: Dr. Mary Ann Sestili, Director, Office of Review, National Center for Research Resources, National Institutes of Health, Westwood Building, room 8A16, 5333 Westbard Avenue, Bethesda, Maryland 20892, Telephone: (301) 402-0314.

Date of Meeting: March 5-6, 1992.

Place of Meeting: Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD 20852.

Open: March 5, 11 a.m.-12 noon.

Agenda: Report and review of administrative details.

Closed: March 5, 8 a.m.-11 a.m., March 5, 12 noon-Recess, March 6, 8 a.m.-Adjournment.

Closure Reason: To review grant applications.

(Catalog of Federal Domestic Assistance Program No. 93.371, Biomedical Research Technology, National Institutes of Health)

Dated: February 18, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-4280 Filed 2-24-92; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Deafness and Other Communication Disorders; Meeting of the Research Priorities Subcommittee of the National Deafness and Other Communication Disorders Advisory Board

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Research Priorities Subcommittee of the National Deafness and Other Communication Disorders Advisory Board on March 4, 1992. The meeting will take place from 8:30 a.m. to 10:30 a.m. in Conference Room 9, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892, and will be conducted as a telephone conference with the use of speaker phones.

The meeting, which will be open to the public from 8:30 a.m. to 9:30 a.m., is being held to discuss methods for determining the research priorities of the National Institute on Deafness and Other Communication Disorders.

Attendance by the public will be limited to the space available.

In accordance with the provisions set forth in sec. 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 9:30 a.m. to adjournment for the discussion and recommendation of individuals to serve as consultants to the Research Priorities Subcommittee. This discussion could reveal personal information concerning these individuals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the Board's meeting and a roster of members may be obtained from Ms. Monica Davies, Executive Director, National Deafness and Other Communication Disorders Advisory Board, Building 31, room 3C08, National Institutes of Health, Bethesda, Maryland 20892, 301-402-1129, upon request.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communication Disorders.)

Dated: February 18, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-4281 Filed 2-24-92; 8:45 am]

BILLING CODE 4140-01-M

Warren Grant Magnuson Clinical Center; Meeting of the Board of Scientific Counselors, CC

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Warren Grant Magnuson Clinical Center, 16 March 1992, in Building 10, room 2C-124.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on 16 March for an introduction of the Board members to the activities of the Clinical Center and for a tour of the facility. Attendance by the public will be limited to space available.

Dr. Martin I. Goldenberg, Executive Secretary to the Board of Scientific Counselors, CC, Building 10, room 1C-121, National Institutes of Health, Bethesda, Maryland 20892 (Telephone: (301) 496-5939), will provide a summary of the meeting and a roster of Board members, and substantive program information upon request.

Dated: February 18, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-4203 Filed 2-24-92; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Health Resources and Services Administration; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the State of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (47 FR 39409-24, August 31, 1982, as amended most recently in pertinent part at 56 FR 65739, December 18, 1991), is amended to reflect the realignment of the functions assigned to the Bureau of Health Care Delivery and Assistance, within the Health Resources and Services Administration (HRSA).

Under HB-10, Organization and Functions, amended the functional statements for the Bureau of Health Care Delivery and Assistance (HBC) by deleting the functional statements for the entire Bureau and inserting the following:

Office of Program and Policy Development (HBC12)

(1) Serves as the Bureau's principal staff arm for program planning, coordination, and analysis, including the development of alternative program and policy positions; (2) oversees planning and tracking functions in support of policy formulation and program implementation; (3) advises the Director and his immediate staff on program policy and operational implications arising from activities of the Bureau; (4) collaborates in the development and implementation of annual and 5-year program and financial plans for the Bureau's program planning and budgeting systems; (5) provides the focus for legislative development and analysis in the Bureau; (6) conducts special inquiries and studies and provides liaison and coordination with the Office of the Administrator, Health Resources and Services Administration (HRSA), in the evaluation program for the Bureau; (7) manages the Bureau's correspondence activities; (8) coordinates the development of and accomplishes the formal clearance of policy for the Bureau; (9) coordinates the Bureau's responsibilities in connection with the Inspector General's Hotline; (10) develops and/or provides technical assistance in the development and implementation of new and revised regulations and standards; (11) determines the need for changes in legislation and regulations concerning Bureau programs and effectuates necessary changes; (12) tracks legislative proposals in the Congress which impact on Bureau programs; (13) prepares and/or provides guidance and assistance in the development of associated **Federal Register** notices; and (14) provides the focus for the Bureau's program for prepaid indigent health care and provides coordination and liaison with the Office of the Administrator and the Health Care Financing Administration.

Office of Minority and Women's Health (HBC13)

(1) In coordination with the Office of Minority Health, Office of the Administrator, develops and coordinates Departmental initiatives relating to the delivery of health services to minorities and women; (2) formulates proposals and plans for targeting financial and other resources on service improvement for women and culturally diverse populations in areas of special need, including infant mortality, low birthweight, school health, community-based and case-managed services for special populations; (3) conceives, designs and oversees the implementation of special projects integrating Bureau components and outside entities to anlayze the efficacy of historical and ongoing health delivery programs as they relate to and impact on minority populations and women; (4) develops segments of the Bureau work plan which impact on minority and women's health care; (5) coordinates with State and local agency representatives and officers of private, professional or academic health care organizations in conceiving and designing special health care projects for providing improved health care to minority and women's population groups; (6) establishes and maintains liaison with public and private institutions and organizations regarding the development of a common focus and approach to the delivery of health care to minorities and women; and (7) develops policy alternatives for elements of Bureau programs and activities impacting on minorities and women and the intersection of such, with other demographic and geographic considerations such as high risk, underserved, homelessness, etc.

Office of Data Management (HBC15)

Directs and coordinates all data systems management activities. Specifically: (1) Directs, analyzes, designs, develops, implements, and monitors data systems and data collection activities; (2) represents the Director and the Associate Director for

Information Resource Management on systems and data matters external to the Bureau; (3) conducts training for staff on data systems; (4) interfaces with all data systems support organizations; (5) coordinates data reporting to common PHS data systems; and (6) supervises the operation of the Bureau's Local Area Network and of the Bureau's Wide Area Network interfaces.

Office of Operations and Management (HBC17)

Plans, directs, coordinates, and evaluates Bureau-wide administrative and management activities; coordinates and monitors program policy implementation; and maintains close liaison with officials of the Agency, the Office of the Assistant Secretary for Health, and the Office of the Secretary on matters relating to those activities. Specifically: (1) Provides or serves as liaison for providing program support services and resources, including procurement of equipment and supplies, printing, property, etc.; (2) provides leadership on intergovernmental activities of the Bureau which require central direction or which cross program lines; (3) provides liaison between the Bureau Director and the Regional Health Administrators; (4) coordinates the activities of Headquarters program divisions and regional staff; (5) directs, conducts, and coordinates manpower management activities and advises on the allocation of personnel resources; (6) provides organization and management analysis, develops policies and procedures for internal operations, and interprets and implements the Bureau's management policies, procedures, and systems; (7) develops and coordinates program and administrative delegations of authority activities; (8) is responsible for the Bureau's paperwork management functions, including the development and maintenance of manual issuances; (9) is responsible for planning, directing, coordinating, and evaluating Bureau-wide grants management activities; (10) coordinates the development and processing of Bureau contact procurement activities and maintains liaison with the Division of Grants and Procurement Management, HRSA, and with the Office of the Assistant Secretary for Health, (11) develops and carries out a full range of financial management activities, including development of the annual budget; (12) in cooperation with the Divsion of Personnel, HRSA, coordinates personnel activities for the Bureau; and (13) conducts Bureau-wide activities associated with the management of national committees.

Office of Program Data (HBC18)

(1) Collects from various sources, such as the Bureau of the Census and the Centers for Disease Control (CDC), population data regarding age, gender, ethnicity, health status, economic status, and other information for analysis by Bureau staff; (2) establishes and maintains a repository of data on health care studies and research findings pertaining to health care issues affecting Bureau programs; (3) establishes and maintains contacts with public and private agencies engaged in public health research, both pure and applied, such as NIH, NIMH, CDC, and the National Science Foundation, as well as major academic, research and teaching institutions; (4) evaluates research findings and public health studies and prepares summaries for use by operational Bureau components; (5) designs data protocols for use in Bureau-sponsored projects which gather information on diseases, recurring health conditions, environmental conditions, and homeopathic factors relating to gender, age, ethnicity and socioeconomic conditions; (6) designs consortium-type approaches to health care delivery to targeted groups for which new research findings to health analyses can be applied; (7) evaluates and recommends training programs and classes on recent innovations in health care delivery for Bureau staff and Bureau-supported staff; and (8) in conjunction with the Office of Data Management, designs and implements data collection and analysis systems for information on health care studies and research finds.

Office of External Affairs (HBC19)

(1) Creates collaborative arrangements with external organizations, such as other PHS agencies, other Federal Departments, health professions organizations, foundations, State and local organizations, academic institutions, and international organizations, which enhance the mission and programs of the Bureau; (2) maintains liaison with those external organizations with which arrangements have been created; (3) develops and implements policies and evaluates plans and procedures dealing with external organizations; (4) provides technical assistance to Bureau staff, PHS staff in Regional Offices, and staff of State Primary Care Associations; (5) reviews and evaluates agreements with external organizations; (6) initiates, monitors and evaluates activities in the international area such as the U.S./Mexican Border, the Pacific Basin, Puerto Rico, and the Virgin Islands; and (7) evaluates data received from participating organizations and institutions.

Division of Special Populations Program Development (HBCB)

This division researches issues and develops program plans which identify health care needs of special population groups. Such research may include issues related to: (1) The health care of the homeless, substance abusers, the elderly, and victims of AIDS and Alzheimer's Disease; perinatal and other infant mortality reduction programs; home health services, environmental, occupational, and rural health, etc.; (2) coordinates the identification of issues and establishes Agency/Bureau priorities with the Division of Primary Care Services; (3) directs nationwide efforts to coordinate health care needs of special populations and encourages State and local assistance in meeting needs; (4) provides guidance and direction in the development of health care partnerships and networks and coordinates the management plans with regional offices, other Federal programs, and State and private organizations; (5) develops guidance materials and implements plans to meet needs of identified areas; (6) coordinates health needs of special populations with the Division of Primary Care Services, ensuring that funds are allocated according to Bureau priorities and legislative intent; (7) develops, conducts, and evaluates demonstration projects utilizing data collected as a base line for the integration of primary care systems or expanding existing health care networks; and (8) provides technical assistance in the interaction of community based systems.

Division of Primary Care Services (HBC4)

(1) Implements efforts to improve the organization and delivery of health services by serving as the point of accountability for Primary Health Care Services Delivery programs; (2) provides leadership and direction for legislative activities in the program area; (3) develops and establishes policies for such national programs and develops long- and short-range program goals and objectives; (4) is accountable for the administration of funds and other resources for grants, contracts, and clinical and programmatic consultation and assistance; (5) ensures that delegated responsibilities are being carried out; (6) coordinates the development and establishment of guidelines and standards for professional services, and for the

effective organization and administration of health programs, and the improvement of health services and staff development; (7) interprets policies, regulations, guidelines, standards, and priorities to higher echelons, within the Public Health Service, to Regional Offices, grantee agencies, institutions, and organizations; (8) coordinates with other programs providing health services, including voluntary, official and other community agencies and provides clinical and programmatic consultation and assistance, on request, to the States in such areas as program planning, establishment of goals and objectives, standards of care, and evaluation; (9) establishes and provides liaison in program matters with other entities within BHCDA and the Agency, within the Public Health Service, with the Department and with other Federal agencies, consumer groups and national organizations concerned with health matters, and through the Regional Offices, with State and local governments; (10) participates in the development of forward plans, legislative proposals, and budgets; and (11) coordinates the integration of Primary Care projects and services with other health care delivery systems.

Division of National Health Services Corps (HBC6)

(1) Directs nationwide efforts to improve the availability and distribution of health care delivery professionals; (2) plans, directs, administers and coordinates clinical services and related professional health care activities at the national level; (3) in coordination with the Office of Program and Policy Development, develops legislative proposals; (4) directs and implements policies and long- and short-range goals and objectives for programs and activities related to the National Health Services Corps (NHSC); (5) administers programs for: (a) recruitment and placement of volunteer health professionals and placement of NHSC scholarship obligators; (b) Private Practice Option and Private Practice Grants for NHSC scholarship recipients; and (c) Startup Loan for HSC sites; (6) provides coordination with other programs providing health services, including voluntary, official, and other community agencies; establishes and provides liaison in program matters, within the Bureau, the Department, and other Federal agencies, consumer groups and national organizations concerned with health matters, and through Regional Offices, with State and local governments; (7) plans, develops, and implements state and local clinical and programmatic consultation and assistance programs to: (a) improve the quality and effectiveness of patient care delivery systems for underserved population groups; and (b) improve the quality of staffing and knowledge of specific types of health care delivery providers; (8) in coordination with the Office of Data Management, develops program data need, formats, and reporting requirements including collection, collation, analysis and dissemination of data, and (9) participates in the development of forward plans, legislative proposals, and budgets.

Division of Health Services Scholarships (HBC7)

Responsible for the administration of the Public Health Service Scholarship Training Program, and the NHSC Scholarship Program. Specifically: (1) Directs and administers these programs, including the recruitment, application, selection and awarding of scholarship funds and deferment and service monitoring systems in close coordination with NHSC: (2) develops and implements program plans and policies and operating and evaluation plans and procedures in coordination with the Office of Program and Policy Development; (3) monitors obligatory service requirements and conditions of deferment for compliance; (4) provides guidance and technical assistance for PHS staff in Regional Offices and to staff of educational institutions; (5) maintains liaison with and provides assistance to program-related public and private professional organizations and institutions; (6) maintains liaison with the Office of General Counsel and the Office of the Inspector General, DHHS; (7) in coordination with the Office of Program and Policy Development , prepares legislative proposals; (8) coordinates financial aspects of programs with educational institutions; (9) in coordination with the Office of Data Management, develops program data needs, formats and reporting requirements including collection, collation, analysis and dissemination of data; (10) participates in the development of forward plans, legislative proposals, and budgets; and (11) administers the Bureau's Freedom of Information Act and Privacy Act activities.

Division of National Hansen's Disease Programs (HBC8)

(1) Plans, directs, and evaluates a comprehensive program of health care for designated persons with Hansen's disease; (2) manages administrative and professional support for ambulatory and contract Hansen's Disease treatment; (3) carries out the training of health services-personnel; (4) conducts research; (5) plans and performs activities in support of and in cooperation with intra-agency, interagency, and internationally sponsored programs; and (6) operates the National Hansen's Disease Center at Carville, Louisiana; and (7) responds to requests for information or copies of the PHS hospital and clinic medical records.

Division of Special Populations Program Development (HBCB)

This division researches issues and develops program plans which identify health care needs of special population groups. Such research may include issues related to: (1) The health care of the homeless, substance abusers, the elderly, and victims of AIDS and Alzheimer's Disease; perinatal and other infant mortality reduction programs; home health services, environmental, occupational, and rural health, etc.; (2) coordinates the identification of issues and establishes Agency/Bureau priorities with the Division of Primary Care Services; (3) directs nationwide efforts to coordinate health care needs of special populations and encourages State and local assistance in meeting needs; (4) provides guidance and direction in the development of health care partnerships and networks and coordinates the management plans with regional offices, other Federal programs, and State and private organizations; (5) develops guidance materials and implements plans to meet needs of identified areas; (6) coordinates health needs of special populations with the Division of Primary Care Services, ensuring that funds are allocated according to Bureau priorities and legislative intent; (7) develops, conducts, and evaluates demonstration projects utilizing data collected as a base line for the integration of primary care systems or expanding existing health care networks; and (8) provides technical assistance in the interaction of community based systems.

Division of Shortage Designation (HBCC)

(1) Studies and analyzes the geographic distribution and maldistribution of primary care manpower and other health personnel used in the delivery of health care services; (2) develops and conducts or coordinates studies and analyses of access to health care services and health status measurement issues; (3) develops and implements criteria for designating health manpower shortage areas and medically underserved

populations; (4) identifies and designates health personnel shortage areas for programmatic use in such activities as National Health Service Corps placement, health professions and nursing loan repayment and scholarship programs, and programs providing higher levels of Medicare and Medicaid reimbursement to providers serving such areas; (5) identifies and designates medically underserved populations for programmatic use in such activities as grant funding of community and migrant health projects and certification of rural health clinics; (6) develops data, analyses, studies, listings, repayment and related materials on present and potential shortage areas and on health personnel required to meet identified shortage area needs; (7) in conjunction with other Bureau components, develops analytical methods for needs assessment and the measurement of insufficient access; (8) in coordination with other HRSA components, conducts analyses of geographic and location choices of health professionals and allied health personnel; (9) develops and compiles information for use by health departments, planning agencies and others in assessment of current and potential geographic shortages; (10) works closely with other Bureau and agency components, State health departments and planning agencies, and other Federal and non-Federal agencies to assure a coordinated and comprehensive shortage area and underserved population designation program.

Division of Federal Occupational Health (HBCD).

(1) Provides consultation, and stimulates the development of, improved occupational health and safety programs throughout the Federal Government; (2) provides evaluation, consultation, and direction to Federal managers concerning the management and delivery of the full scope of agency occupational health programs in relation to established standards; (3) provides nationwide assistance in planning, implementing and monitoring health programs for Federal agencies on a reimbursable basis including improved environmental, education/promotional, clinical and managerial services and the development and incorporation of automated information management systems; (4) conducts research studies, science and engineering ventures, training, and demonstration projects; (5) develops occupational health standards and criteria for occupational health programs; (6) conducts activities designed to promote productivity and reduce absenteeism, lost time and related liability within the Federal work force; (7) provides mechanisms for the development and operation of shared services that promote joint contracting, cost comparison, analysis and program formulation; (8) plans, develops, implements, and operates occupational health programs, including Employee Assistance Programs (EAPs), fitness/wellness, environmental surveillance, medical monitoring, and disability management components; (9) maintains relationships with health officials in other Federal and private agencies and participates in Federal occupational health related policy and program development/implementation; (10) participates in the development of forward plans and legislative proposals for the Bureau, higher Health and Human Services (HHS) organizational levels, and other Federal agencies.

Division of Beneficiary Medical Programs (HBCE)

Plans, directs, and evaluates the delivery of health services for designated Public Health Service (PHS) beneficiaries, including active duty members of the PHS and the National Oceanic and Atmospheric Administration (NOAA). Specifically, (1) develops operational policies and procedures for direct health care and risk reduction services for PHS Commissioned Corps and other designated beneficiaries; (2) develops and monitors health services contracts, interagency agreements, and in conjunction with the Financial Management Branch, the reimbursement billings process for direct health services to designated beneficiaries; (3) receives, assesses and authorizes or denies requests for health care from designated beneficiaries, providers or others acting on behalf of beneficiaries; (4) coordinates beneficiary health care services through Federal and private sector resources and receives and acts on all first level appeals from beneficiaries and providers; (5) assures that direct health services to designated beneficiaries are provided in accordance with applicable laws, regulations, policies and instruction, and that they are medically necessary or prudently recommended, qualitatively accurate, and in consonance with recognized professional standards; (6) assures that adequate resources are available to provide comprehensive health care to eligible beneficiaries; (7) maintains relationships with health officials in other Federal and private agencies; (8) evaluates the quality and appropriateness of Division health care programs and operations; (9) certifies payment of beneficiary medical bills from Federal and non-Federal providers; (10) develops, monitors and reports on data management information systems for occupational surveillance programs, health promotion, and direct care services for PHS beneficiaries; (11) recommends financial management approaches to assure the integrity and appropriateness of provided reimbursement; (12) provides clinical and programmatic consultation, guidance and assistance to beneficiaries on their health care entitlement; (13) carries out all Departmental responsibilities with regard to the Civilian Health and Medical Care Program of the Uniformed Services (CHAMPUS); (14) participates in the development of plans, legislative proposals and budgets for the Bureau as they pertain to health services for PHS beneficiaries; (15) in conjunction with the Medical Branch, Division of Commissioned Personnel, recommends, develops, and implements services for new initiatives to include health promotion, substance abuse, fitness for duty and other medically related programs impacting on the Commissioned Corps; and (16) provides liaison to the Department of Defense (DOD) health care programs and to NOAA for health care services provided to NOAA beneficiaries.

This reorganization is effective upon date of signature.

Dated: February 14, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92-4225 Filed 2-24-92; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-92-3399]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be

sent to: 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: February 14, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

[FR Doc. 92-4231 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

Notice of Submission of Proposed Information Collection to OMB

Proposal: Statement of Profit and Loss (FR-2158).

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Multifamily project owners are required to submit HUD-92410 each year to the Department as part of their annual financial statement. The data will be used by HUD to review request for rent increases and to prevent defaults by monitoring the reasonableness of the projects operating expenses and the adequacy of the projects cash flow.

Form Number: HUD-92410.

Respondents: Businesses or Other For-Profit.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of Response	×	Hours per Response	=	Burden hours
HUD-92410	16,553		1		1		16,553

Total Estimated Burden Hours: 16,553.

Status: Revision.

Contact: Jo An Breijo, HUD, (202) 708-1220. Jennifer Main, OMB, (202) 395-6880.

[FR Doc. 92-4232 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-92-3398]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comment regarding these proposals. 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 proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list 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: February 14, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

Proposal: Tenant Participation on Multifamily Housing Projects.

Office: Housing.

Description of the Need for the Information and its Proposed Use: This rule provides tenants in certain types of subsidized multifamily housing projects an opportunity to comment on the project owners request for HUD approval of certain specified actions, including the continuation of the requirement for tenants participation in project rent increases. HUD must take their comments into consideration when making approval decisions.

Form Number: None.

Respondents: Individuals or Households, State or Local Governments, Businesses or Other For-Profit, and Small Businesses or Organizations.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Increase in rents	160		1		13		2,080
Utility conversion	160		1		23		3,680
Conversion-residential to other	160		1		18		2,880
Partial release of security	160		1		17		2,720
Major capital addition	160		1		22		3,520
Recordkeeping	160		1		5		800

Total Estimated Burden Hours: 15,680.

Status: Extension.

Contact: James J. Tahash, HUD, (202) 708-3944, Jennifer Main, OMB, (202) 395-6880.

Dated: February 14, 1992.

Proposal: CDBG Funded Agency Employment Data.

Office: Fair Housing and Equal Opportunity.

Description of the Need for the Information and its Proposed Use: The Department is required by Section 104(d) of the Housing and Community Development Act of 1974, as amended, to carry out an annual review to determine whether entitlement and HUD administered program grantees have carried out activities in accordance with their certifications and the requirements of Title I and other applicable laws.

Form Number: HUD-EEO-4.

Respondents: State or Local Governments and Federal Agencies or Employees.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
HUD-EEO-4	950		1		1.25		1,188

Total Estimated Burden Hours: 1,188.

Status: Reinstatement.

Contact: Leon Garrett, HUD (202) 709-2740, Jennifer Main, OMB, (202) 395-6880.

[FR Doc. 92-4232 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-92-3397]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: 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(b) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 12, 1992.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Proposal: Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures (Basic Forms and Worksheets).

Office: Housing.

Description of the Need for the Information and its Proposed Use: The information is needed to determine tenant eligibility, to compute tenant annual rents for those tenants occupying HUD subsidized housing units, and to collect information on citizenship/alien status to effect program utilization and need.

Form Number: HUD-50059, a/b/c/d/e/f/g/h/k and verification forms.

Respondents: Individuals or Households, Businesses or Other For-Profit, and Small Businesses or Organizations.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual Report	2,186,256		1		.931		2,035,404

Total Estimated Burden Hours: 2,035,404.

Status: Revision.

Contact: Jo Ann Breijo, HUD, (202) 708-1220, Jennifer Main, OMB, (202) 395-6880.

[FR Doc. 92-4233 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-92-3396]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: 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 collection 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 responses; (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: February 11, 1992.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Housing Counseling Program—(Funded) Grantee Statistical Report (FR-2753).

Office: Housing.

Description of the Need for the Information and its Proposed Use. Form HUD-9923 will be used by grantees (HUD-approved housing counseling agencies) to record the results of housing counseling services provided under housing counseling grants for FY 1991 and future grants.

Form Number: HUD-9923.

Respondents: State or Local Governments, and Non-Profit Institutions.

Frequency of Submission: Other.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
HUD-9923	325		1		4		1,300

Total Estimated Burden Hours: 1,300.

Status: New.

Contact: Thomas Miles, HUD, (202) 708-1672, Jennifer Main, OMB, (202) 395-6880.

[FR Doc. 92-4234 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-92-3395]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: Proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: 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, a 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; (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: February 6, 1992.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Insurance Information.

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: The Annual Contributions Contract requires public housing agencies and Indian housing authorities to obtain adequate fire insurance, extended coverage insurance, and boiler insurance to protect the Federal interest. Form HUD-5460 provides the format for determining the initial amount of insurance required for each project.

Form Number: HUD-5460.

Respondents: Non-Profit Institutions.

Frequency of Submission: On Occasion and Other.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-5460	125		1		1		125
Recordkeeping	125		1		.25		31

Total Estimated Burden Hours: 156.

Status: Reinstatement.

Contact: Arthur Methvin, HUD, (202) 708-1872, Jennifer Main, OMB, (202) 395-6880.

[FR Doc. 92-4235 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-92-3394]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: 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: February 3, 1992.

Kay Weaver,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: 24 CFR (Part 280)—Nehemiah Housing Opportunity Program (FR-2478).

Office: Housing.

Description of the Need for the Information and its Proposed Use: Under the Nehemiah Housing Opportunity Program, the Department is authorized to make grants to non-profit organizations to enable them to provide loans to families purchasing homes that are constructed or substantially rehabilitated in accordance with HUD approved programs.

Form Number: None.

Respondents: Individuals or Household, State or Local Governments and Non-Profit Institutions.

Frequency of Submission: On occasion.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Affirmative Fair Housing Marketing Requirements	10		1		.05		.50
Racial and Ethnic Data Collection Requirement	10		145		.05		72.50
Lead-Based Paint Reporting and Recordkeeping Requirement	2		145		0.50		145
Grant Agreement	10		1		2.00		20
Request for Modification of Requirement for Eligible Buyers	5		1		1.50		7.50
Sales Contract Requirement	10		145		0.50		725
Request for Reimbursement	10		145		0.50		725
Loan and 2nd Mortgage Requirement	10		145		0.50		725

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Request for HUD Approval of Sale or Transfer	10		45		1.50		675

Total Estimated Burden Hours. 3,095.
Status: Reinstatement.
Contact: Richard Harrington, HUD, (202) 708–2676, Jennifer Main, OMB, (202) 395–6880.

[FR Doc. 92–4236 Filed 2–24–92; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. N-92-3393]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: 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 telephones 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: February 3, 1992.

John T. Murphy,
Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Project Applications and Review of Application-Delegated Processing.
Office: Housing.

Description of The Need for The Information and its proposed Use:

The forms are completed and submitted to HUD by contracted Delegated Processors for Multifamily properties to be insured by HUD. These forms recite data that supports the fair market value and budget constructed cost.

Form Number: HUD–92264, 92264A, 92264TE, 92273, 92274, 92325, 92326, 92326–A, 92331, and 92485.
Respondents: Businesses or Other For-Profit.
Frequency of Submission: On Occasion.
Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	230		12.5		23.96		68,885

Total Estimated Burden Hours: 68,885.
Status: Reinstatement.
Contact: Tom Rager, HUD, (202) 708–0624, Jennifer Main, OMB, (202) 395–6880.

[FR Doc. 92–4237 Filed 2–24–92; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. N-92-3392]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: 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: January 29, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Community Development Block Grant Program Subrecipient Management Training Program.

Office: Community Planning and Development.

Description of the Need for the Information and its Proposed Use: The purpose of this data collection is to enable HUD to characterize the scope of subrecipient utilization and monitoring for different kinds of grantees, to understand the nature and severity of monitoring problems among those grantees and subrecipients, and to identify effective monitoring strategies and procedures for addressing different kinds of problems. This information in turn will enable HUD to develop guidebooks and training materials that will be both relevant and immediately useful to grantees in the process of subrecipient monitoring.

Form Number: None.

Respondents: State or Local Governments, Businesses or Other For-Profit, Federal Agencies or Employees and Non-Profit Institutions.

Frequency of Submission: One-time.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Grantee Telephone Survey	96		1		.33		32
Grantee In-Depth Discussions	15		1		1.50		23
Subrecipent In-Depth Discussions	60		1		1.50		90

Total Estimated Burden Hours: 145.

Status: New.

Contact: Deidre Maguire-Zinni, HUD, (202) 708-1577, Jennifer Main, OMB, (202) 395-6880.

[FR Doc. 92-4238 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

Office of the General Counsel

[Docket No. D-92-977; FR-3211-D-01]

Redelegation of Authority Under the Fair Housing Act

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice the General Counsel is redelegating to the Associate General Counsel for Equal Opportunity and Administrative Law, the authority to refer fair housing investigative materials to the Attorney General of the United States in matters involving the legality of local zoning or land use laws or ordinances. The Secretary's authority to make such referrals was delegated to the General Counsel in 24 CFR 103.400(a)(3).

EFFECTIVE DATE: February 12, 1992.

FOR FURTHER INFORMATION CONTACT: Jonathan Strong, Deputy Assistant General Counsel for Fair Housing Litigation, Fair Housing Division, Office of the General Counsel, room 9238, Department of Housing and Urban Development, Washington, DC 20410. Telephone: (202) 708-0570 [this is not a toll-free number]. The toll-free TDD number for hearing impaired persons is 1-800-543-8294.

SUPPLEMENTARY INFORMATION: Section 810(g)(2)(C) of the Fair Housing Act ("the Act"), 42 U.S.C. 3610(g)(2)(C), provides that, if the Secretary of Housing and Urban Development determines that any fair housing complaint filed under the Act involves the legality of any State or local zoning or other land use laws or ordinance, the Secretary shall immediately refer investigative materials to the Attorney General for appropriate action, instead of issuing a charge of discrimination.

This authority is delegated to the General Counsel is the Department's regulations for the processing of complaints filed under the Act (24 CFR part 103). Under 24 CFR 103.400(a)(3), which governs the issuance of reasonable cause determinations, the General Counsel is given authority to determine whether a matter referred to him by the Assistant Secretary for Fair Housing and Equal Opportunity involves the legality of local zoning or land use laws or ordinances. If the General Counsel determines that such issues are involved, the General Counsel is required to refer investigative materials to the Attorney General for appropriate action under section 814(b)(1) of the Act, instead of making a determination as to whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

In a redelegation of authority dated January 14, 1991, the General Counsel redelegated to the Associate General Counsel for Equal Opportunity and Administrative Law and to the Assistant General Counsel for Fair Housing the authority to determine which complaints involve the legality of local zoning or land use laws or ordinances. A notice of that redelegation of authority was published in the **Federal Register** on January 25, 1991 (56 FR 2931).

In this redelegation of authority, the General Counsel is redelegating to the Associate General Counsel for Equal Opportunity and Administrative Law the authority to refer fair housing investigative materials to the Attorney General in those matters which have been determined (under the redelegation dated January 14, 1991) to involve the legality of a local zoning or land use laws or ordinances.

Accordingly, the General Counsel redelegates this authority as follows:

Section A—Authority Redelegated

The Associate General Counsel for Equal Opportunity and Administrative Law is authorized to refer to the Attorney General of the United States fair housing investigative materials in those matters which, in the determination of either the Associate General Counsel for Equal Opportunity and Administrative Law or the Assistant General Counsel for Fair Housing, involve the legality of a local zoning or land use laws or ordinances.

Section B—No Further Redelegation

The authority granted in section A may not be further redelegated pursuant to this redelegation.

Authority: 42 U.S.C. 3601–19; 42 U.S.C. 3535(d).

Dated: February 12, 1992.

Frank Keating,

General Counsel.

[FR Doc. 92–4239 Filed 2–24–92; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-92-3391; FR 3225-N-01]

Mortgage Review Board Administration Actions

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

ACTION: Notice.

SUMMARY: In compliance with section 202(c)(5) of the National Housing Act, notice is hereby given of the cause and description of administrative actions taken by HUD's Mortgage Review Board against HUD-approved mortgagees.

FOR FURTHER INFORMATION CONTACT: William Heyman, Director, Office of Lender Activities and Land Sales Registration, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–1824. The Telecommunications Device for the Deaf (TDD) number is (202) 708–4594. (These are not toll-free numbers)

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (added by section 142 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989)) requires that HUD "publish in the Federal Register a description of and the cause for administrative action against a HUD-approved mortgagee" by the Department's Mortgagee Review Board. In compliance with the requirements of section 202(c)(5), notice is hereby given of administrative actions that have been taken by the Mortgagee Review Board from August 1, 1991 through December 31, 1991.

1. Horizon Savings Association, Houston, Texas

Action: Suspension and proposed withdrawal of HUD mortgagee approval.

Cause: A HUD Office of Inspector General Audit Report which cited violations of HUD–FHA single family loan origination requirements by Horizon's Houston, Texas branch office. The violations include: overstating mortgagors' income; mishandling mortgagors' employment verifications; mishandling mortgagors' income tax information; use of erroneous employment and other data in verifying borrowers' incomes; incomplete preliminary loan applications; failure to resolve questions concerning the residency status of mortgagors; improperly completing loan application certifications; inadequate underwriting reviews; and failure to maintain an adequate Quality Control Plan.

2. Inland Mortgage Corporation, Tulsa, Oklahoma

Action: Determination that withdrawal of Inland's HUD–FHA mortgagee approval for failure to submit its required annual financial statement supersedes the Board's previous suspension action.

Cause: Failure to comply with HUD–FHA financial reporting requirements.

3. First Federal Mortgage of America, Inc., Beverly Hills, California

Action: Withdrawal of HUD mortgagee approval.

Cause: Failure to comply with a previous Mortgagee Review Board probation action based upon the use of misleading advertising by First Federal Mortgage Company of America, Inc., with respect to its HUD–FHA insured mortgage activities.

4. Financial Entity Corporation, Fresno, California

Action: Withdrawal of HUD mortgagee approval.

Cause: Failure to comply with a previous Mortgagee Review Board probation action, and failure to remit at least 115 One-Time Mortgage Insurance Premiums (OTMIPs) to HUD–FHA.

5. Interstate Mortgage Corporation, Portland, Oregon

Action: Proposed Settlement Agreement that includes indemnification of HUD for claim losses in connection with improperly originated mortgages.

Cause: A HUD Monitoring Review citing violations of HUD–HUD single family loan origination requirements that include: Failure to verify mortgagors' source of funds for downpayments; and failure to assure that mortgagors made the minimum required investment in the property.

6. Waterfield Financial Corporation, Phoenix, Arizona

Action: Proposed Settlement Agreement on terms acceptable to the Department and Waterfield.

Cause: A HUD Office of Inspector General Audit Report which cited violations of HUD–FHA single family loan origination requirements by Waterfield's Phoenix, Arizona branch office. The violations include: failure to conduct face-to-face interviews with mortgagors; failure to assure that mortgagors made the minimum required investment in the property; permitting an interested third party to perform loan origination functions resulting in the submission of inaccurate information to HUD–FHA; and permitting improper sales inducements in connection with a builder's trade-in programs.

7. Logan Laws Financial Corporation, Johnson City, Tennessee

Action: Settlement Agreement that provides for issuance of a Letter of Reprimand, and indemnification of HUD in connection with nine improperly originated title I loans.

Cause: A HUD monitoring review citing violations of the Department's Title I program and of the requirements of the Government National Mortgage Association (GNMA). The violations include: failure to remit to investors in the GNMA mortgage-backed securities program, the manufactured housing claim payments or the liquidation of non-filed or denied HUD–FHA claims; failure to comply with dealer supervision requirements with respect to borrower complaints; failure to verify the source of borrower downpayments; and failure to comply with placement certificate and loan disbursement requirements.

8. Lender Service, Inc., Tulsa, Oklahoma

Action: Withdrawal of HUD Title I lender approval.

Cause: A HUD monitoring review citing violations of the Department's title I program requirements and of the requirements of the Government National Mortgage Association (GNMA). The violations include: failure to deposit $2.9 million of manufactured housing sales proceeds into GNMA custodial accounts; failure to pass through sales proceeds to GNMA security holders; failure to comply with dealer approval and supervision requirements; failure to provide evidence that conventional loans refinanced under the title I program were current; and failure to verify the existence of borrowers' downpayments.

9. Metropolitan Mutual Mortgages, Inc., Baton Rouge, Louisiana

Action: Issuance of a warning letter directing Metropolitan Mutual Mortgages, Inc., to continue

implementation of certain corrective actions in its operations and fully comply with HUD–FHA requirements.

Cause: Noncompliance with HUD–FHA single family loan origination requirements in connection with six loans.

10. Stratford Mortgage Corporation, Richardson, Texas

Action: Proposed Settlement Agreement that would include indemnification of HUD in connection with eight improperly originated mortgages, and a buydown of the over-insured mortgage amounts in connection with 7 loans.

Cause: A HUD monitoring review that disclosed violations of HUD–FHA single family loan origination requirements. The violations include: failure to perform face-to-face interviews with mortgagors; failure to assure that borrowers signed a properly completed HUD Form 92900 application prior to loan approval by SMC underwriters; failure to assure that borrowers made the required minimum investment in the property; overinsured mortgages; false gift letters; inaccurate verifications of employment, deposit or rent; using a false Social Security number; permitting mortgagors to handcarry verifications of employment, deposit or rent; omitting mortgagor dependents; and failure to verify the sale of mortgagor's previous residence. In addition, SMC failed to implement a Quality Control Plan.

11. Executive Mortgage Corporation, Denver, Colorado

Action: Withdrawal of HUD mortgagee approval

Cause: Violations of HUD–FHA requirements and engaging in businss practices that do not conform to accepted practices of prudent lenders and demonstrate irresponsibility in selling the same HUD–FHA insured mortgages to more than one investor mortgagee.

12. First Federal Financial Services, Rutherford, New Jersey

Action: Withdrawal of HUD mortgagee approval.

Cause: Failure to comply with HUD–FHA requirements for approval as a mortgagee, and revocation of mortgage banking license by the New Jersey Department of Banking.

13. First Commerce Mortgage Corporation, Independence, Ohio

Action: Suspension.

Cause: Indictment of First Federal Mortgage Corporation and its president for offenses which reflect upon the responsibility, integrity and ability of First Commerce to participate in HUD–FHA programs as an approved mortgagee.

14. Empbanque Capital Corporation, Carle Place, New York

Action: Proposed Settlement Agreement that provides for a Letter of Reprimand, indemnification of HUD for claim losses in connection with 28 improperly originated loans, and compliance with HUD–FHA reporting requirements under the Home Mortgage Disclosure Act (HMDA).

Cause: A HUD monitoring review citing violations of HUD–FHA single family loan origination requirements. The violations include: failure to verify that a mortgagor had sufficient assets to close; failure to verify the mortgagor's source of funds to close; use of a falsified Verification of Deposit to close an insured mortgage; failure to verify or credit earnest money deposits; violation of the "seven unit" limitation; originating loans in which the mortgagors failed to meet their minimum required investment and which exceeded the regulatory maximum mortgage amounts; failure to establish the stability of a mortgagor's self-employment; failure to verify the physical soundness and increased value of a previously rejected property; failure to conduct face-to-face interviews with borrowers; completing the lender's certification on the HUD 92900 application prior to the borrower's certification; and failure to comply with the reporting requirements under the Home Mortgage Disclosure Act (HMDA).

15. PFG Mortgage, Inc., Mission Viejo, California

Action: Withdrawal of HUD mortgagee approval unless the president, who is the principal owner of PFG, disposes of all ownership interest in PFG and resigns as an officer and director of PFG.

Cause: Conviction of the president of PFG of offenses which reflect upon the responsibility, integrity and ability of PFG to participate in HUD–FHA programs as an approved mortgagee.

16. Leander Mortgage Corporation, Fort Worth, Texas

Action: Withdrawal of HUD mortgagee approval.

Cause: Failure to comply with HUD–FHA financial reporting requirements, and a HUD monitoring review which cited violations of HUD–FHA single family loan origination violations that include: failure to implement a Quality Control Plan (QCP); employment of an individual who is subject to a Limited Denial of Participation (LDP); failure to maintain an escrow account to segregate mortgagor escrow funds; failure to promptly pay fee appraisers; submitting false documents to HUD knowing them to be false and/or materially misrepresented; failure to insure that mortgagors made the minimum required investment in the property; failure to properly determine and verify mortgagors' sources of funds; failure to maintain the required line of credit; and charging fees for services where no such service was rendered, in violation of RESPA requirements.

17. City Mortgage Corporation, Anchorage, Alaska

Action: Proposed Settlement Agreement that includes indemnification of HUD for claim losses in connection with 15 improperly originated loans.

Cause: A HUD monitoring review citing violations of HUD–FHA single family program loan origination requirements. The violations include: failure to assure that borrowers made the minimum required investment in the property; failure to pay HUD–FHA Mortgage Insurance Premiums when due; failure to properly determine the mortgagor's source of funds for earnest money deposits and/or closing costs; conducting business practices that did not conform to those of a prudent lender or meet the requirements of HUD–FHA; failure to establish the mortgagor's income in several cases; submitting a loan in default for HUD–FHA insurance; failure to disclose all of the mortgagor's liabilities; misrepresenting HUD–FHA insurance on a loan sold to an investor; and failure to implement a satisfactory Quality Control Plan.

18. Sun American Mortgage Corporation, Mesa, Arizona

Action: Proposed Settlement Agreement that includes indemnification of HUD for claim closses in connection with six improperly originated loans.

Cause: A HUD monitoring review citing violations of HUD–FHA single family program loan origination requirements. The violations include: failure to document and identify borrowers' source of funds; failure to adhere to prudent underwriting standards in a case where there was a significant decline of self-employed borrowers' income; failure to assure that borrowers made the minimum required investment in the property; false verification of employment; and failure to implement and maintain an adequate Quality Control Plan for the origination of HUD–FHA insured mortgages.

19. Mountain Mortgage, Inc., Stone Mountain, Georgia

Action: Suspension.

Cause: Failure to provide information to the Board related to the conduct of Mountain Mortgage's HUD-FHA business.

20. Unity Mortgage Corporation, Atlanta, Georgia

Action: Proposed Settlement Agreement that includes indemnification of HUD for claim losses in connection with three improperly originated loans.

Cause: A HUD Office of Inspector General audit report citing violations of HUD-FHA single family loan origination requirements including improper verification of borrowers' source of gift funds used to meet their minimum required investment in the property.

21. State Funding, Inc., Corona, California

Action: Proposed Settlement Agreement requiring implementation of corrective actions with respect to HUD-FHA insured mortgage activities.

Cause: A HUD monitoring review citing violations of HUD-FHA requirements including: Failure to remit One-Time Mortgage Insurance Premiums (OTMIPs) to HUD-FHA; failure to timely remit OTMIPs to HUD-FHA; failure to implement a Quality Control Plan for the origination of HUD-FHA insured mortgages; failure to meet the principal activity requirement of an approved mortgagee; and failure to disclose to borrowers a controlled business arrangement.

22. Clarence A. Marshall Mortgage and Investment Company, Inc., Kansas City, Missouri

Action: Proposed Settlement Agreement which includes indemnification of HUD in connection with two improperly originated loans, and, separation of mortgage lending and real estate operations.

Cause: A HUD Office of Inspector General Audit Report cited violations of HUD-FHA requirements including: failure to include mortgagor liabilities on the HUD Form 92900; overstating mortgagor income; permitting a mortgagor to use unsecured borrowed funds to meet the minimum required investment; failure to determine the value of chattel in connection with a collateral loan for funds to close a HUD-FHA insured mortgage; and failure to separate mortgage lending and real estate operations.

23. Tower Financial Corporation, Rockville, Maryland

Action: Withdrawal of HUD mortgagee approval

Cause: Violation of HUD-FHA requirements for failing to remit to HUD-FHA 16 One-Time Mortgage Insurance Premiums (OTMIPs) totalling $77,766 collected from mortgagors.

Dated: February 14, 1992.

Arthur J. Hill,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 92-4187 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-27-M

[Docket No. D-92-978]

Office of the Regional Administrator—Regional Housing Commissioner; Acting Manager, Region IV (Atlanta); Designation for Memphis Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Manager for the Memphis Office.

EFFECTIVE DATE: January 29, 1992.

FOR FURTHER INFORMATION CONTACT: Charles A. Lipthrott, Director, Management Systems Division, Office of Administration, Atlanta Regional Office, Department of Housing and Urban Devlopment, room 634, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303-3388, 404-331-5199.

Designation of Acting Manager for Memphis Office

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence of, or vacancy in the position of, the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: *Provided,* That no official is authorized to serve as Acting Manager unless all other employees whose titles precede his/hers in this designation are unable to serve by reason of absence:

1. Deputy Manager.
2. Chief, Property Disposition Branch.
3. Chief, Valuation/Architectural and Engineering Branch.
4. Chief, Loan Management Branch.
5. Chief, Mortgage Credit Branch.

This designation supersedes the designation effective May 24, 1990, (55 FR 25377, June 21, 1990). (Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971)).

This designation shall be effective as of January 29, 1992.

Robert D. Atkins,

Manager, Memphis Office.

Raymond A. Harris,

Regional Administrator, Regional Housing Commissioner, Office of the Regional Administrator

[FR Doc. 92-4230 Filed 2-24-92; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-940-4214-11; CAS 1037, CAS 2694, CAS 058127, CAS 058168, CAS 068455, CAS 073664, CAS 080236, CACA 7002, CACA 7005, CACA 7007, CACA 7012, CACA 7013, CACA 7014, CACA 7015, CACA 7017, CACA 7558, CACA 7579]

Proposed Continuation of Withdrawals; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that approximately 28,298.55 acres of lands withdrawn for the Central Valley, Klamath, and Washoe Reclamation Projects continue for an additional 20 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing. This notice provides a public comment period.

DATES: Comments should be received by May 26, 1992.

ADDRESSES: Comments should be sent to State Director, California State Office, 2800 Cottage Way, room E-2845, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State Office (916) 978-4820.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that the existing land withdrawals identified below be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands are described as follows:

Mount Diablo Meridian

Serial No. CAS 1037: Public Land Order 5270

T. 12 N., R. 9E.,
sec. 5, lot 45.

The area described contains 2.00 acres in Placer County.

Serial No. CAS 2694: Public Land Order 2225

T. 13 N., R 10 E.,
sec. 19, lots 19 and 20.

The area described contains 70.20 acres in Placer and El Dorado Counties.

Serial No. CAS 058127: Public Land Order 2225

T. 34 N., R. 8 W.,
sec. 6, N½ lot 6, NW¼NE¼SW¼.

The area described contains 30.435 acres in Trinity County.

Serial No. CAS 058168: Public Land Order 2225 amended by Public Land Order 2276

T. 12 N., R. 8 E.,
sec. 25, S½SE¼NW¼, W½NW¼ excluding Mineral Survey 6091.
T. 13 N, R. 9 E.,
sec. 10, E½SE¼NE¼;
sec. 31, lot 4.
T. 14 N., R. 9 E.,
sec. 36, lots 18, 19, 23, 25, 29.
T. 13 N., R. 10 E.,
sec. 28, N½NE¼;
sec. 30, lots 9, 10, 11.
T. 14 N., R. 10 E.,
sec. 30, SE¼ lot 6.

The area described contains 406.70 acres in Placer and El Dorado Counties.

Serial No. CAS 068455: Public Land Order 2729

T. 12 N., R. 8 E.,
sec. 12, lot 2.
T. 12 N., R. 9 E.,
sec. 4, lot 1.
T. 13 N., R. 9 E.,
sec. 2, lot 18;
sec. 25, unpatented portion lot 1, unpatented portion of W½NW¼, NW¼SW¼.
T. 14 N., R. 9 E.,
sec. 25, SE¼SE¼.
T. 13 N., R. 10 E.,
sec. 2, SE¼SE¼;
sec. 22, lot 3;
sec. 28, NE¼NW¼;
sec. 30, lots 8, 11 and 12.

The area described contains 418.82 acres in El Dorado and Placer Counties.

Serial No. CAS 073664: Public Land Order 3171

T. 34 N., R. 4 W.,
sec. 26, unpatented portion lot 1.

The area described contains 2.5 acres in Shasta County.

Serial No. CAS 080236: Public Land Order 4282

T. 19 N., R. 16 E.,
sec. 26, NW¼NW¼, N½SW¼NW¼;
sec. 34, N½N½.

The areas described contains 220 acres in Sierra County.

Serial No. CACA 7002: Secretarial Order dated March 6, 1936

T. 34 N., R. 2 W.,
sec. 6, W½ lot 5, E½ lot 10, E½NE¼SW¼;
sec. 12, NE¼SW¼NE¼, NE¼SE¼ SW¼NE¼, NE¼NE¼SE¼, NE¼NW¼ NE¼SE¼;
sec. 14, NW¼NW¼.
T. 35 N., R. 3 W.,
sec. 4, S½S½.

The area described contains 281.37 acres in Shasta County.

Serial No. CACA 7005: Secretarial Order dated 7/15/36

T. 34 N., R. 1 W.,
sec. 6, lots 1 through 4, inclusive, lot 7, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼.
T. 35 N., R. 1 W.,
sec. 28, S½S½, NE¼SE¼;
sec. 32, N½, NW¼SW¼.
T. 34 N., R. 2 W.,
sec. 2, NW¼SE¼;
sec. 6, E½ lot 5, lots 6 through 9, inclusive, W½ lot 10, lots 11 through 15, inclusive W½NE¼SW¼, SE¼NW¼, SE¼SW¼;
sec. 10, E½E½NE¼, W½NE¼, NW¼SW¼,
N½SW¼SE¼, SE¼SW¼, N½SW¼SE¼;
sec. 12, N½NE¼, NW¼SW¼NE¼, W½SW¼SW¼NE¼,
W½NW¼SE¼, SE¼NW¼SE¼, NW¼;
sec.14, S½SW¼;
sec.16, E½, SW¼, E½NW¼;
sec. 20, SE¼NE¼, W½W½.
T. 35 N., R. 3 W.,
sec. 28, N½N½.

The areas described contains 3,073.84 acres in Shasta County.

Serial No. CACA 7007: Secretarial Order dated September 2, 1937

T. 34 N., R. 4 W.,
sec.22, NE¼SE¼;
sec. 23, NW¼SW¼;
sec. 26, lot 25;
sec. 36 lots 5 through 8 inclusive, NE¼SW¼.

The area described contains 277.44 acres in Shasta County.

Serial No. CACA7012: Secretarial Order dated April 12, 1946

T. 36 N., R. 3 W.,
sec. 32, SW¼SW¼.

The area described contains 40.00 acres in Shasta County.

Serial No. CACA 7013: Bureau of Land Management Order dated July 16, 1947

T. 33 N., R. 4 W.,
sec. 1, W½SW¼.
The area described contains 80.00 acres in Shasta County.

CACA 7014: Bureau of Land Management Order dated November 6, 1947

T. 33 N., R. 4 W.,
sec. 12, lots 1 through 4, inclusive.
T. 35 N., R. 4 W.,
sec. 22, SW¼.
T. 36 N., R. 4 W.,
sec. 32, SW¼NE¼.
T. 34 N., R. 5 W.,
sec. 8, NW¼, N½SE¼, SE¼SE¼, NE¼.
T. 35 N., R. 5 W.,
sec. 22, N½NE¼, SW¼NE¼.

The area described contains 913.98 acres in Shasta County.

Serial No. CACA7015: Bureau of Land Management Order dated February 27, 1952

T. 35 N., R. 7 W.,
sec. 4, lots 3, 4, and 5;
sec. 6, lots 10, 11, 12 and 13;
sec. 8, SE¼NW¼, S½SW¼NW¼, NW¼NE¼SW¼, NW¼SW¼, S½S½ SW¼, S½SE¼;
sec. 16, N½N½NW¼, NE¼, N½N½ NW¼NW¼;
sec. 18, E½ lot 2, S½ lot 3, SE¼NW¼.
T. 36 N., R. 7 W.,
sec. 4, lot 2, E½SW¼NE¼, E½E½ NW¼SE¼, E½SW¼SE¼;
sec. 10, NW¼NW¼NE¼, S½NW¼NE¼, NE¼SW¼, S½SW¼;
sec. 12, NW¼NW¼NE¼, NW¼NW¼, NW¼NW¼SW¼, NE¼NE¼SW¼;
sec. 20, SE¼NE¼, E½SE¼SW¼, E½SE¼;
sec. 22, W½E½SW¼, N½SE¼NW¼, SW¼SE¼NW¼, NE¼NW¼;
sec. 28, N½NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, W½SW¼NE¼, E½NE¼SW¼, SW¼NE¼SW¼, W½SE¼SW¼;
sec. 32, NW¼NE¼, W½W½SW¼NE¼, E½SE¼NE¼, SW¼SW¼, SE¼SW¼, NE¼NE¼SW¼, S½NE¼SW¼, W½W½NW¼SE¼;
sec. 34, NW¼NW¼NE¼SW¼, N½N½ NW¼SW¼, S½NW¼NW¼SW¼, N½SW¼NW¼SW¼, SW¼SW¼ NW¼SW¼, W½NW¼SW¼SW¼, NW¼SW¼SW¼SW¼, S½SE¼ NE¼SW¼, SE¼SW¼NE¼SW¼, SE¼SW¼.
T. 37 N., R. 7W.,
sec. 20 W½W½NE¼, SE¼SW¼NE¼;
sec. 28, W½SW¼SW¼;
sec. 32, E½NW¼NE¼.
T. 33 N., R. 8W.,
sec. 4, NW¼NE¼SW¼, NW¼SW¼;
sec. 6, NW¼NE¼SE¼;
sec. 8, NW¼SW¼NE¼, SW¼SE¼NE¼, S½S½SE¼.
T. 34 N., R. 8 W.,
sec. 2, lots 3 and 4;
sec. 3, SE¼SW¼NE¼;
sec. 4, NW¼SW¼, NW¼SW¼SW¼, S½S½SW¼, NE¼SE¼, S½S½ SW¼SE¼, NE¼SE¼SE¼;
sec. 5, SW¼NE¼, N½S½NW¼, SW¼SW¼SW¼, NE¼SE¼SW¼, NE¼NE¼SE¼, S½NE¼SE¼, S½SE¼;
sec. 6, lots 1 and 5, N½SE¼NE¼, SW¼NE¼, S½SE¼SE¼;
sec. 7, SE¼ lot 3, NE¼ lot 4, N½NE¼NE¼, S½SE¼NE¼, SE¼SW¼, S½NE¼ SW¼, N½SE¼, SE¼SE¼;
sec. 10, SW¼NE¼, W½SW¼, W½E½ SW¼, SE¼;
sec. 16, E½E½, SW¼SE¼;
sec. 19, SW¼SE¼NE¼, W½NW¼SE¼;
sec. 22, lots 1 through 6, inclusive.
T. 35 N., R. 8 W.,
sec. 24, NE¼NE¼, W½SW¼NE¼, NE¼SW¼;
sec. 25, SW¼SE¼NW¼, W½E½ NE¼SW¼, W½NE¼SW¼, E½NW¼ SW¼, NW¼NW¼SW¼, SE¼SE¼S W¼;
sec. 26, NE¼NE¼SE¼, W½NE¼SE¼, NE¼SW¼SE¼, W½SW¼SE¼;
sec. 27, NW¼SW¼;
sec. 28, NW¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼, SW¼SW¼NW¼, SE¼SW¼SE¼,SE¼SE¼;
sec. 29, W½SW¼SW¼, W½E½ SW¼SW¼;
sec. 30, E½SE¼NE¼, NW¼SE¼NE¼, E½NE¼SE¼;
sec. 31, lots 1 and 2, E½NW¼;
sec. 32, lot 3, NE¼SW¼, SE¼;

sec. 34, S½S½NE¼, E½SE¼SW¼, NW¼SE¼, N½NE¼SE¼, SE¼SE¼ SE¼;
sec. 36, N½NW¼, N½S½NE¼NE¼, N½NE¼NE¼, N½NW¼NE¼, NW¼SW¼.
T. 34 N., R. 9 W.,
sec. 1, lot 4, S½N½;
sec. 2, SE¼NE¼.

The area described contains 4,856.92 acres in Shasta and Trinity Counties.

Serial No. CACA 7017: Bureau of Land Management Order dated March 12, 1956

T. 34 N., R. 7 W.,
sec. 18, lots 3 and 4.
T. 35 N., R. 7 W.,
sec. 18, S½NE¼NE¼, NW¼NE¼NE¼, SE¼NW¼;
sec. 20, N½SE¼.
T. 36 N., R. 7 W.,
sec. 1, E½E½SW¼;
sec. 2, W½NW¼SE¼SW¼, SW¼SE¼ SW¼, SW¼SW¼NE¼SW¼;
sec. 5, lots 15 and 16;
sec. 8, S½S½SW¼NE¼, S½SE¼NE¼;
sec. 10, NE¼NE¼SE¼NW¼;
sec. 11, S½NE¼NE¼, S½NE¼;
sec. 14, W½NW¼, N½NW¼SW¼;
sec. 28, E½SE¼NW¼.
T. 37 N., R. 7 W.,
sec. 20, lot 2 in NW¼SW¼;
sec. 29, E½NE¼SW¼, E½SW¼NW¼;
sec. 32, NW¼SE¼.
T. 33 N., R. 8 W.,
sec. 5, Mineral Survey 1029 within NE¼, E½NW¼ excluding Mineral Survey 3947;
sec. 6, W½SE¼;
sec. 8, lots 3 and 4, SW¼NW¼NW¼, S½NE¼SW¼, SW¼NW¼SE¼.
T. 34 N., R. 8 W.,
sec. 2, W½ lot 2, N½S½NW¼;
sec. 4, NE¼;
sec. 14, NW¼NW¼, S½NW¼, S½;
sec. 15, NW¼NE¼, W½SE¼SW¼SW¼;
sec. 16, W½NE¼, NW¼SE¼;
sec. 18, E½ lot 1, E½ lot 2, NE¼ lot 3, NW¼NE¼SW¼, E½NW¼;
sec. 23, lot 2;
sec. 33, lot 13, W½SW¼SW¼.
T. 35 N., R. 8 W.,
sec. 12, NW¼NE¼NE¼, NW¼NE¼ NE¼NE¼;
sec. 16, SE¼SW¼, SW¼SE¼, E½E½ NW¼SE¼;
sec. 19, SE¼SW¼SE¼;
sec. 21, N½NE¼NE¼SE¼;
sec. 26, SE¼SE¼SE¼;
sec. 30, S½NE¼NE¼, E½NW¼NE¼, NW¼NE¼NE¼;
sec. 32, lot 4;
sec. 33, W½E½NW¼NE¼, E½W½ NW¼NE¼, W½E½SW¼NE¼, W½SW¼NE¼, W½E½SE¼NW¼, E½E½NW¼SE¼;
sec. 36, N½S½SW¼, S½NE¼SW¼, NW¼NE¼SW¼.
T. 34 N., R. 9 W.,
sec. 1, S½N½NE¼, S½NE¼NW¼;
sec. 2, lots, 1, 2, 3, E½ lot 4, E½SW¼NE¼.
T. 35 N., R. 9 W.,
sec. 34, S½ and NW¼ lot 1, lot 2, N½NE¼NW¼, Mineral Survey 4359 within SE¼,NW¼;
sec. 35, N½NE¼SW¼.

The area described contains 2,586.125 acres in Shasta and Trinity Counties.

Serial No. CACA 7558: Secretatial Order dated June 25, 1919

T. 48 N., R. 1 E.,
sec. 13, that portion of the section in California;
sec. 14, lots 1 and 2, unpatented portion of SE¼;
sec. 15, lots 1 through 8 inclusive, SE¼SE¼;
sec. 16, lots 6, 7, and 9, fractional portion of the S½SW¼;
sec. 21, lots 11 through 13, inclusive;
sec. 22, lots 4 through 25, inclusive, NE¼NE¼;
Sec.23, lots 1 through 3, inclusive, W½E½W½, E¼SE¼, fractional portion of the E½NE¼, NE¼SE¼;
sec. 24, lots 1 through 3, inclusive, N½N½ SE¼, fractional portion of the N½SW¼ S½SE¼;
sec. 25, lots 5, 6 and 8, NW¼, fractional portion of the NE¼, NE¼SE¼;
sec. 26, lots 7 through 10, inclusive, NE¼.
T. 47N., R. 2 E.,
sec. 4, lots 1 through 4, inclusive, S½NE¼, S½NW¼, SW¼, W½SE¼;
sec. 5, all;
sec. 6, lots 1, 2, 3, S½NE¼, SE¼,NW¼, E½SW¼, SE¼;
sec. 7, NE¼, E½NW¼;
sec. 8, N½;
sec. 9, W½, W½E½, E½SE¼;
sec. 10, SW¼SW¼;
sec. 15, lots 3 through 6, inclusive;
sec. 21, lot 2;
sec. 22, lot 8;
sec. 25, lots 12 through 14, inclusive;
sec. 27, lots 5 through 8, inclusive;
sec. 34, lot 3;
sec. 35, lots 7 through 14, inclusive;
sec. 36, lots 18 and 19.
T. 48 N., R. 2 E.,
sec. 13, lots 1 through 4, inclusive, S½S½;
sec. 14, lots 1 and 2, SE¼SE¼;
sec. 23, NE¼NE¼;
sec. 24, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
sec. 25, NE¼NE¼;
sec. 28, S½NW¼, SW¼, W½SE¼;
sec. 29, SE¼NE¼, SE¼SW¼, SE¼;
sec. 30, lot 1;
sec. 31, lot 1, E½SW¼, S½SE¼;
sec. 32, E½, E½W½, SW¼SW¼;
sec. 33, all.
T. 47 N., R. 3 E.,
sec. 2, lot 4, SW¼NW¼, W½SW¼;
sec. 3, lots 1 and 2;
sec. 4, lots 1 through 8, inclusive;
sec. 5, lots 1 and 2, S½NE¼, E½SE¼;
sec. 8, E½NE¼;
sec. 9, lots 1 through 4, inclusive;
sec. 10, S½SW¼, SW¼SE¼;
sec. 11, NW¼NW¼;
sec. 16, lot 1.
T. 48 N., R. 3 E.,
sec. 15, lot 7;
sec. 16, lots 2 through 5, inclusive; S½S½;
sec. 17, lots 5 through 9, inclusive;
sec. 18, lot 1;
sec. 19, lots 1 through 6, inclusive, W½NW¼, SW¼, SW¼SE¼;
sec. 20, lots 3 and 4;
sec. 21, lots 1 through 4, inclusive, NE¼, NE¼NW¼, NE¼SW¼, NE¼SE¼;
sec. 22, lots 4 through 6, inclusive, W½NW¼, NW¼SW¼, W½SE¼;
sec. 26, NW¼SW¼, SE¼SW¼;
sec. 27, N½NE¼, SE¼NE¼;
sec. 29, lots 1 through 9, inclusive, SE¼SW¼;
sec. 30, lots 1 through 5, inclusive, S½NE¼, SE¼NW¼, SE¼;
sec. 32, lot 1, W½NE¼, SE¼NE¼, NW¼, SE¼;
sec. 33, lots 1 through 4, inclusive, W½SW¼;
sec. 35, E½W½, SW¼SW¼.

The area described contains 14,818.21 acres in Siskiyou County.

CACA 7579: Bureau of Land Management Order dated August 22, 1956.

T. 10 N., R. 13 E.,
sec. 9, N½NE¼SE¼;
sec. 10, SW¼, W½W½SE¼.

The area described contains 220 acres in El Dorado County.

The purpose of the withdrawals is to protect the Central Valley, Klamath, and Washoe Reclamation Projects. The withdrawals segregate the lands from settlement, sale, location and entry, including location and entry under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed continuation of the withdrawals may present their views in writing to the Chief, Branch of Adjudication and Records, in the California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: February 19, 1992.

William Kennedy,
Acting State Director.

[FR Doc. 92-4211 Filed 2-24-92; 8:45 a.m.]
BILLING CODE: 4310-40-M

[CA-940-4214-11; CACA-7001, CACA-7003, CACA-7062, CACA 7551, CACA 7569, CACA 7573, CACA 7817]

Proposed Continuation of Withdrawal; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that approximately 70,224.27 acres withdrawn for the Central Valley, Cachuma, and Klamath Reclamation Projects continue for an additional 20 years. The land will remain closed to surface entry and mining but have been and will remain open to mineral leasing. This notice provides a public comment period.

DATES: Comments should be received by May 26, 1992.

ADDRESSES: Comments should be sent to State Director, BLM California State Office, 2800 Cottage Way, room E-2845, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: John Beck, BLM California State Office, 916-978-4820.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that the existing land withdrawals identified below, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands are described as follows:

CACA-7001

Secretarial Order of November 10, 1937.

Mount Diablo Meridian

T. 33 N., R. 4 W.,
sec. 3, lots 2, 3, and 4, SW¼NW¼, SE¼NW¼.

The area described contains approximately 198.41 acres in Shasta County.

CACA-7003

Secretarial Order of April 20, 1936.

Mount Diablo Meridian

T. 34 N., R. 2 W.,
sec. 30, lot 3, E½NE¼, E½SW¼.
T. 33 N., R. 3 W.,
sec. 6, SE¼SE¼;
sec. 12, SE¼NE¼.
T. 34 N., R. 3 W.,
sec. 15, SW¼ lot 14, W½ lot 17;
sec. 20, lots 3, 4, and 5;
sec. 30, NE¼NW¼.
T. 33 N., R. 4 W.,
sec. 2, lots 2 and 3.
T. 34 N., R. 4 W.,
sec. 4, SW¼SE¼;
sec. 28, E½NE¼.
T. 33 N., R. 5 W.,
sec. 6, SE¼SE¼.
T. 34 N., R. 5 W.,
sec. 10, lot 3;
sec. 22, lots 2 and 6;
sec. 26, SE¼W¼, SE¼.
T. 35 N., R. 5 W.,
sec. 26, SE¼SW¼.

The area described contains approximately 828.88 acres in Shasta County.

CACA-7062.

Secretarial Order of November 16, 1918.

Mount Diablo Meridian

T. 1 N., R. 13 E.,
sec. 1, lots 1 through 5, inclusive, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
sec. 2, lots 1 and 2, SW¼NE¼, S½NW¼, W½NW¼SW¼;
sec. 12, lot 1, NW¼NE¼, NE¼NW¼, NE¼SW¼.
T. 2 N., R. 13 E.,
sec. 21, lot 1;
sec. 23, M.S. 3796 B in the NE¼, lot 1, and the unpatented portions of lot 2 and M.S. 4192;
sec. 24, lots 1, 3, 6, 15, 17, 20, 21, M.S. 5835 in lot 18, M.S. 5836 in lot 19, M.S. 5837 in lot 13, and unpatented portions of lots 22 and 23;
sec. 25, E½SE¼NW¼, E½SW¼, N½SE¼;
sec. 26, lots 1 and 2, NE¼NE¼, unpatented portion of the NW¼NE¼.
T. 2 N., R. 14E.,
sec. 19, lots 7, 11, and 12, S½NE¼SW¼, N½N½NE¼SE¼, S½NW¼SE¼, unpatented portions of lots 3 and 4.

The area described contains approximately 1,465.47 acres in Calaveras and Tuolumne Counties.

CACA 7551

Secretarial Orders of January 24, 1905 and January 28, 1905.

Mount Diablo Meridian

T. 48 N., R. 1 E.,
sec. 14, lots 1 and 2.
T. 47 N., R. 2 E.,
sec. 1, all;
sec. 2, all;
sec. 3, E½,E½W½;
sec. 10, E½,E½W½;
sec. 11, all;
sec. 12, all;
sec. 13, all;
sec. 14, all;
sec. 15, E½, E½W½;
sec. 16, lot 10;
sec. 22, lots 6, 7, 9, and 10, E½E½, W½NE¼;
sec. 23, all;
sec. 24, all;
sec. 25, lots 3 through 7, inclusive, fractional portion N½;
sec. 26, N½, E½SW¼.
T. 48 N., R. 2 E.,
sec. 14, the SW¼ portion of the section in California;
sec. 15, that portion of the section in California;
sec. 16, that portion of the section in California;
sec. 17, that portion of the section in California;
sec. 18, the SE¼ portion of the section in California;
sec. 19, NE¼, E½SW¼, W½SE¼;
sec. 20, N½, SE¼;
sec. 21, all;
sec. 22, N½, SE¼;
sec. 23, all;
sec. 24, N½, SW¼, W½SE¼;
sec. 25, all;
sec. 26, all;
sec. 27, E½;
sec. 29, SW¼;
sec. 30, N½, SE¼, and fractional portion of the SW¼;
sec. 31, NE¼, SE¼NW¼, and fractional portion of NE¼NW¼;
sec. 32, NW¼;
sec. 34, all;
sec. 35, all;
sec. 36, all.
T. 47 N., R. 3 E.,
sec. 5, lot 3, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
sec. 6, all;
sec. 7, all;
sec. 8, W½, W½E½, E½SE¼;
sec. 17, W½, W½NE¼, NW¼SE¼, fractional portions of SW¼SE¼ and E½E½;
sec. 18, all;
sec. 19, all;
sec. 20, lots 1 and 2, E½NE¼, fractional portion of SW¼NE¼ (unnumbered lot), and fractional portions of NW¼NE¼, N½NW¼, S½NW¼, and NW¼SW¼;
sec. 30, lot 1, NE¼NW¼.
T. 48 N., R. 3 E.,
sec. 30, SW¼;
sec. 31, all;
sec. 32, SW¼.
T. 46 N., R. 4 E.,
sec. 1, all;
sec. 2, all;
sec. 3, all;
sec. 4, all,
sec. 5, all;
sec. 6, all;
sec. 7, all;
sec. 8, all;
sec. 9, lots 2 through 7, inclusive, S½N½, SW¼, N½SE¼;
sec. 10, lots 2 through 6, inclusive, S½N½, SE¼, N½SW¼, SE¼SW¼;
sec. 11, lots 4 through 10, inclusive, lots 14 and 15, S½N½, N½S½;
sec. 12, lots 7 through 18, inclusive, lots 22 and 23;
sec. 13, lots 18 and 19.
T. 46 N., R. 4 E.,
sec. 14, lots 18, 19, and 20;
sec. 15, lots 9 and 10, lots 17 through 25, inclusive, W½NE¼, NE¼NW¼;
sec. 16, lots 6 through 12, inclusive; lots 15 and 16, lots 23 through 27, inclusive;
sec. 17, lots 1 through 5, inclusive, lots 7 and 8, lot 13, W½NE¼, N½NW¼;
sec. 18, lots 1, 2, and 5, N½NE¼, SW¼NE¼, E½NW¼;
sec. 20, lots 5 and 6;
sec. 21, lots 6, 7, and 8.
T. 47 N., R. 4 E.,
sec. 1, a tract of land within the NW¼NW¼ being all the southerly portion of lot 4 (also known as Block 1 on the plat of Tulelake Townsite Addition);
sec. 2, lot 7;
sec. 3, lots 6, 11, 14, 15, 16, and 18, SW¼SW¼;

sec. 4, lots 6, 9, and 12, SW¼, W½SE¼, SE¼SE¼;
sec. 5, S½N½, SE¼;
sec. 6, lots 4, 7, and 8, S½NE¼;
sec. 7, lots 4 through 7, inclusive;
sec. 8, E½;
sec. 9, all;
sec. 10, all;
sec. 11, lots 4 and 5, SE½NE¼, W½NW¼, SE¼NW¼, S½;
sec. 12, lots 2, 7, and 9, SW¼, W½SE¼, SE¼SE¼;
sec. 13, all;
sec. 14, all;
sec. 15, all;
sec. 16, all;
sec. 17, E½, E½NW¼, E½NW¼NW¼, SW¼NW¼, SW¼;
sec. 18, lots 1 through 4, inclusive, SE¼;
sec. 19, lots 1 through 4, inclusive, E½;
sec. 20, all;
sec. 21, all;
sec. 22, all;
sec. 23, all;
sec. 24, all;
sec. 25, all;
sec. 26, all;
sec. 27, all;
sec. 28, all;
sec. 29, all;
sec. 30, lots 1 through 4, inclusive, E½;
sec. 31, lots 1 through 4, inclusive, E½;
sec. 32, all;
sec. 33, all;
sec. 34, all;
sec. 35, all;
sec. 36, all.
T. 48 N., R. 4 E.,
sec. 16, portion of Lost River;
sec. 21, lot 7;
sec. 22, lots 2 and 4;
sec. 27, lots 2 and 10;
sec. 33, lot 3;
sec. 34, lot 7;
sec. 35, lots 1 and 2 of Block 40 in Tulelake Townsite.
T. 48 N., R. 5 E.,
sec. 4, lots 12, 18, 19, and 20;
sec. 5, all;
sec. 6, all;
sec. 7, lots 5 through 16 inclusive, lots 18 through 23, inclusive;
sec. 8, all;
sec. 9, lots 11 and 12, 18 and 20, W½NW¼, SW¼;
sec. 11, portion of lot 1;
sec. 15, lots 4 through 6, inclusive, 8, 9, 18, and 19;
sec. 16, lots 8 and 10, W½NE¼, NW¼, and portions of lots 2, 3, and 6;
sec. 17, lots 3 through 8, inclusive, W½NE¼, E½NW¼;
sec. 22, lots 1 and 2.
T. 47 N., R. 5 E.,
sec. 7, lot 17;
sec. 15, lot 6;
sec. 17, lot 15;
sec. 18, lots 1 through 4, inclusive, 9 through 11, inclusive, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼;
sec. 19, all;
sec. 20, lots 4 and 5, W½NW¼, SE¼NW¼, S½;
sec. 23, lots 14, 18, and 21;
sec. 24, lot 15;
sec. 25, lots 10, 12, 22 in the NW¼, 22 in the SW½, 25, 31, and 33;
sec. 26, lots 40, 42, 48, 49, 50, 52, 53, 54, NE¼NE¼ (exclusive of Newell Townsite), blocks 22, 25, 26, lots 7 through 18 of block 6, lots 1 through 6 and 19 through 24 of block 10 (within Newell Townsite);
sec. 27, lot 21;
sec. 29, all;
sec. 30, all;
sec. 31, all;
sec. 32, all;
sec. 33, lot 22;
sec. 35, lot 16;
sec. 36, lot 11.
T. 48 N., R. 5 E.,
sec. 15, lots 6 and 7;
sec. 16, lots 5, 6, and 8;
sec. 17, lot 5;
sec. 22, lots 1, 2, 5, 8, and 9;
sec. 23, lots 12, N½SW¼;
sec. 36, lot 16 and portion of lot 17.

The area described contains approximately 58,512.13 acres in Siskiyou and Modoc Counties.

CACA 7569

Secretarial Order of September 14, 1942.

Mount Diablo Meridian

T. 12 N., R. 8 E.,
sec. 14, NE¼NE¼, SE¼SW¼, SE¼;
sec. 26, W½E½, NW¼NW¼;
sec. 34, SE¼.
T. 12 N., R. 9 E.,
sec. 4, lots 2 and 4, and that portion of lot 3 excepting MS 5431;
sec. 6, lots 12, 14, 20, and 23;
sec. 34, E½SE¼SW¼.
T. 13 N., R. 9 E.,
sec. 2, lots 8, 10, and 13, SE¼SE¼SW¼;
sec. 11, N½SW¼;
sec. 22, NW¼;
sec. 23, W½W½SE¼;
sec. 24, unpatented portion lot 1, SW¼NE¼, SE¼NW¼, NW¼NW¼, SE¼, unpatented portion SW¼NW¼, NE¼SW¼;
sec. 26, lot 1, NW¼NE¼, N½SW¼NE¼, unpatented portions E½NE¼, NE¼SE¼;
sec. 28, N½NW¼NE¼, N½NW¼, SW¼NW¼;
sec. 30, S½SE¼;
sec. 32, lot 4;
sec. 34, lots 1, 2, 7, 9, 10, 12, 13, 16, 17, and 18.
T. 13 N., R. 10 E.,
sec. 1, lots 8, 9, 10, and 14, S½NW¼;
sec. 11, lot 1, N½SE¼NE¼, SW¼NE¼, W½SE¼;
sec. 14, lots 2 and 3, W½NE¼, S½NW¼, SW¼, NW¼SE¼;
sec. 15, lots 4 and 5, S½NE¼, N½SE¼, SE¼SE¼;
sec. 19, lots 10, 11, 12, and 17 through 21, inclusive;
sec. 20, lots 3, 4, 5, 6, 7, 9, and 10, SW¼NE¼;
sec. 21, lots 5 & 6;
sec. 22, lots 4, 5, 6, 9, and 10, W½SW¼, SE¼.
T. 14 N., R. 10 E.,
sec. 19, lots 11 and 16;
sec. 30, lots 1 and 3, E½ lot 7, SW¼ lot 7, E½ lot 11, SW¼ lot 11, lot 14.

The area described contains approximately 4,624.18 acres in El Dorado County.

CACA 7573

Secretarial Order of February 20, 1946.

San Bernardino Meridian

T. 5 N., R. 29 W.,
sec. 4, lots 1, 5, 9 through 12, inclusive, SE¼;
sec. 5, lots 1 through 3, inclusive, 6 through 11, inclusive, 13 through 16, inclusive;
sec. 6, lots 5 through 7, inclusive, SE¼NE¼, E½SW¼, SE¼;
sec. 8, N½, N½S½;
sec. 9, all;
sec. 16, N½NE¼.
T. 6 N., R. 29 W.,
sec. 32, W½, N½SE¼, SW¼SE¼;
sec. 33, W½SW¼;
sec. 34, lots 1 and 2.

The area described contains approximately 2,932.15 acres in Santa Barbara County.

CACA 7817

Bureau of Land Management Order of February 26, 1952

San Bernardino Meridian

T. 14 N., R. 10 E.,
sec. 18, lots 12 and 14.
T. 13 N., R. 11 E.,
sec. 3, lots 4 and 5;
sec. 4, lots 1, 5, and 6, SE¼NE¼, unpatented portion SW¼NE¼, unpatented portion SE¼NW¼, NE¼SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
sec. 5, lots 6 and 8, S½SE¼NW¼, SE¼SW¼NW¼, N½SE¼, SE¼SE¼;
sec. 6, lots 2 through 5, inclusive, unpatented portion lot 6, lots 7 and 8, E½SW¼, W¼SE¼, S½NE¼SE¼, SE¼SE¼.
T. 14 N., R. 11 E.,
sec. 32, lot 1;
sec. 33, S½SW¼, SE¼SE¼;
sec. 34, SW¼SW¼.
T. 10 N., R. 13 E.,
sec. 16, NE¼, E½NW¼.

The area described contains 1,663.05 acres in Trinity and Shasta Counties.

The purpose of the withdrawals is to protect the Central Valley, Cachuma, and Klamath Reclamation Projects. The withdrawals segregate the lands from settlement, sale, location and entry, including location and entry under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed continuation of the withdrawals may present their views in writing to the Chief, Branch of Adjudicaton and Records, in the California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential

demand for the lands and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: February 19, 1992.

William Kennedy,

Acting State Director.

[FR Doc. 92-4212 Filed 2-24-92; 8:45 am]

BILLING CODE 4310-40-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 15, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by March 11, 1992.

Carol D. Shull,

Chief of Registration, National Register.

FLORIDA

Palm Beach County

West Palm Beach National Guard Armory, Old, 1703 S. Lake Ave., West Palm Beach, 92000142

GEORGIA

Walker County

Cavender's Store, Jct. of GA 201 and GA 136, SW corner, Villanow, 92000143

KENTUCKY

Daviess County

Moorman House, 2731 W. Second St., Owensboro, 92000140

MARYLAND

Anne Arundel County

Davidsonville Historic District, Along MD 214 E to jct. with Davidsonville Rd., Davidsonville, 92000141

MASSACHUSETTS

Norfolk County

Weymouth Civic District, 75 Middle St., Weymouth, 92000146

MISSISSIPPI

Hinds County

Futch, James M., House, Dry Grove Rd. 1½ mi. S of jct. with MS 18, Raymond vicinity. 92000144

NEW HAMPSHIRE

Grafton County

Carr, Daniel, House, Brier Hill Rd. N side, 1.5 mi. from jct. with NH 10, Haverhill, 92000156

Hillsborough County

Chase, Amos, House and Mill, NH 114 W side, ⅛ mi. S of jct. with NH 77, Weare, 92000155

NEW YORK

Monroe County

Brick Presbyterian Church Complex (Inner Loop MRA), 121 N. Fitzhugh St., Rochester, 92000152

English Evangelical Church of the Reformation and Parish House (Inner Loop MRA), 111 N. Chestnut St., Rochester, 92000150

German United Evangelical Church Complex (Inner Loop MRA), 60—90 Brittner St., Rochester, 92000151

Our Lady of Victory Roman Catholic Church (Inner Loop MRA), 210 Pleasant St., Rochester, 92000153

St. Mary's Roman Catholic Church and Rectory (Inner Loop MRA), 15 St. Mary's Pl., Rochester, 92000154

NORTH CAROLINA

Franklin County

Jones—Wright House, NC 1003 W side, 0.2 mi. S of jct. with NC 1252, Rocky Ford vicinity, 92000149

Green County

Speight—Bynum House, NC 1231 W side, 0.4 mi. N of jct. with NC 1232, Walstonsbury vicinity, 92000148

Watauga County

East Tennessee & Western North Carolina Railroad Locomotive No. 12, Tweetsie RR theme park, jct. of Tweetsie RR Rd. and US 321, Blowing Rock vicinity, 92000147

TENNESSEE

Rutherford County

Arnold—Harrell House, 1710 E. Main St., Murfreesboro, 92000145

TEXAS

Hill County

Baker, J. T., Farmstead, 1.2 mi. N of Blum between TX 174 and the Nolan R., Blum vicinity, 92000138

WISCONSIN

Washington County

Holy Hill, 1525 Carmel Rd., Erin, 92000139.

[FR Doc. 92-4152 Filed 2-24-92; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32010]

PSI Railroad, Inc.—Construction Exemption—Gibson County, IN

AGENCY: Interstate Commerce Commission

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10901, the construction by PSI Railroad, Inc, of a 13-mile rail line between the Gibson Generating Station and the CSX Transportation Company main line in Gibson County, IN.

DATES: The exemption will only become effective when the Commission completes its environmental review of the proposed construction. At that time, the Commission will issue a further decision addressing environmental matters and establishing an exemption effective date, if appropriate. Petitions to reopen must be filed by March 16, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 32010 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: John R. Molm, Troutman, Sanders, Lockerman and Ashmore, 1400 Candler Building, 127 Peachtree Street, NE, Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar; (202) 927-5660. [TDD for hearing impaired 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, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impared is available through TDD services (202) 927-5721.]

Decided: February 18, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-4221 Filed 2-24-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31927]

Sibley Railway Co.—Construction Exemption—Jackson County, MO

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 the construction by the Sibley Railway Company of 4.5 miles of rail line between Sibley Generating Station and the Union Pacific Railroad Company main line in Jackson County, MO.

DATES: The exemption will not become effective until the environmental process is completed. At that time, the Commission will issue a further decision addressing the environmental matters and establishing an exemption effective date, if appropriate. Petitions to reopen must be filed by March 16, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 31927 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representatives: John R. Molm, Esquire, 1400 Candler Building, 127 Peachtree Street NE., Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. (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: February 18, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-4222 Filed 2-24-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 12, 1992, a proposed Consent Decree in *United States* v. *Aetna Life Insurance Co.*, et al., Civil No. N-90-674, was lodged with the United States District Court for the District of Connecticut. The proposed Consent Decree settles the United States' claims that the defendants had violated provisions of the National Emission Standards for Hazardous Air Pollutants for Asbestos ("NESHAP") promulgated pursuant to the Clean Air Act.

Under the terms of the Consent Decree, settling defendants will pay $45,000 in civil penalties, comply with the asbestos NESHAP and the Clean Air Act in the future, and undertake certain additional activities as part of a remedial program.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Aetna Life Insurance Co., et al.*, D.O.J. Ref. 90-5-2-1-1463.

The proposed Consent Decree may be examined at the Region I Office of the Environmental Protection Agency, 1 Congress Street, 10th Floor, Boston, Massachusetts 02203. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building NW., Washington, DC 20044, (202 347-2072). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building NW., Box 1097, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $7.25 (25 cents per page reproduction cost) made payable to Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 92-4192 Filed 2-24-92; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department policy, 28 CFR 50.7, and section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d), notice is hereby given that on February 14, 1992, a proposed Concent Decree in *United States v. Witco Corporation*, Civil Action No. 92-93, was lodged with the United States District Court for the District of Delaware. The Consent Decree requires defendant to perform the remedial action EPA has selected for operable unit one at the Halby Chemical Superfund Site in New Castle County, Delaware.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department fo Justice, Washington, DC 20530, and should refer to *United States v. Witco Corporation*, DOJ Ref. No. 90-11-2-719.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 844 King Street, Wilmington, Delaware 19801. Copies of the Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building NW., Washington, DC 20004 (202-347-2072). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $53.25 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environmental and Natural Resources Division.

[FR Doc. 92-4193 Filed 2-24-92; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Corrections

Advisory Board Meeting

Time and Date: 8 a.m., Tuesday, March 24, 1992.

Place: Old Colony Inn, 625 First Street, Alexandria, Virginia.

Status: Open.

Matters to be Considered: An update on the feasibility study and pilot for the Corrections Satellite Television Network, on the relocation of the National Academy of Corrections, the Jail Center, and the Information Center, on foreign technical assistance, and on an inventory of mental health services. The FY 1993 Program Plan recommendations will be presented and the joining of pretrial services programs with the concept of Intermediate Sanctions will be discussed.

Contact person for more information: Larry Solomon, Deputy Director, (202) 307-3106.

M. Wayne Huggins,

Director.

[FR Doc. 92-4194 Filed 2-24-92; 8:45 am]

BILLING CODE 4410-36-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of February 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,632; PPG Industries, Inc., Greensburg, PA

TA-W-26,647; Lancaster Mould Co., Lancaster, OH

TA-W-26,523; North American Refractories Co., Womelsdorf, PA

TA-W-26,607; Mercury Marine, Fon Du Lac, WI

TA-W-26,617; B.T.H., Inc., New York, NY

TA-W-26,573; Lynchburg Foundry Co., Radford, VA

TA-W-26,668; J.F. Pleating, Inc., East Newark, NJ

TA-W-26,676; Prairie Manufacturing Co., St. Louis, MO

TA-W-26,580; Stockpole Carbon Co., St. Mary's PA

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26,583; Uniroyal Engineered Products, Inc., Port Clinton, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,679; Unison Transformer Service, Inc., Allentown, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-26,608; Micromatic Textron, Pendleton, IN

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,557; Wilson Learning Corp., Eden Prairie, MN

The workers' firm does not produce an article as required for certification under Section 222 of Trade Act of 1974.

TA-W-26,684; Benkik Oldsmobile, Pittsburgh, PA

The workers' firm does not produce an article as required for certification under Section 222 of Trade Act of 1974.

TA-W-26,630; Parkway Sterling Regal, Inc., Carlstadt, NJ

U.S. imports of commercial printing were negligible in 1990 and 1991.

TA-W-26,641 & TA-W-26,642; Drilex Systems, Inc., Casper, WY and Oklahoma City, OK

U.S. Imports of oil and gas field machinery during the relevant period is neglible.

TA-W-26,638; American Hunter Exploration Ltd, Denver, CO

The investigation revealed that criterion (1) has not been met. Significant number of proportion of the workers did not become totally or partially separated as required for certification. The investigation also revealed that criterion (2) was not met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA-W-26,592; Beautiful Blouse, Wilkes Barre, PA

A certification was issued covering all workers separated on or after July 16, 1990 and before July 14, 1991.

TA-W-26,769; Celebrity Fashion, Inc., Union City, NJ

A certification was issued covering all workers separated on or after January 14, 1991.

TA-W-26,605; Le Roi Princeton, Inc., Princeton, KY

A certification was issued covering all workers separated on or after September 26, 1990.

TA-W-26,582; Teledyne Packaging, Rochester, PA

A certification was issued covering all workers separated on or after October 25, 1990.

TA-W-26,531; Crawford/Carisbrook Co., Richmond, VA

A certification was issued covering all workers separated on or after October 29, 1990.

TA-W-26,574; Maple Leaf Industries, Inc., Hartselle, AL

A certification was issued covering all workers separated on or after January 1, 1991.

TA-W-26,637; American Cyanamid Co., Linden, NJ

A certification was issued covering all workers separated on or after November 28, 1990.

TA-W-26,671; Massena Sportswear, Inc. Massena, NY

A certification was issued covering all workers separated on or after December 2, 1990.

I hereby certify that the aforementioned determinations were issued during the month of February 1992. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Consititution Avenue NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 18, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-4215 Filed 2-24-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25, 350]

Shot Point Services, Inc., Houston, TX; Negative Determination on Reconsideration

By order dated January 3, 1992, the United States Court of International Trade (USCIT) in *Former Employees of Shot Point Services* v. *U.S. Secretary of Labor* (USCIT 91-05-00378) remanded this case to the Department for further investigation.

Investigation findings show that the workers of Shot Point Services do not produce an article within the meaning of Section 223(3) of the Trade Act. The Department's initial notice of negative determination stated that workers of Shot Point may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and the reduction must directly relate to the product impacted by imports. These conditions were not met.

New findings on remand show that Shot Point is an independent firm which provides the service of contract labor to firms in the oil and gas industry. The findings show that Shot Point has direct control its employees and is not owned or under the control of any of its customers.

Additional findings on remand reveal that Shell does its own seismic work and only contracts for general labor. In 1991, Shot Point provided this general labor to assist Shell's seismic crews by providing primarily brush and clean-up men, landsmen and secretarial personnel. These contract services for general labor do not provide a basis for meeting the criteria for certification under the Trade Act of 1974 or its subsequent amendments.

Accordingly, the Department concludes that Shot Point is an employment agency which supplies general labor to the oil and gas industry. the labor supplied by Shot Point to Shell in 1991 consisted of secretaries, landsmen and general labor (laborers involved in pre-exploration activities, e.g., brush cutters and post-exploration activities, e.g., clean-up workers and landscapers) and not labor directly involved in the drilling or exploring for gas and oil. Therefore, the Shot Point workers do not meet the provisions of section 1421(a)(1)(A) of the Omnibus Trade and Competitiveness Act of 1988 for workers from a firm or appropriate subdivision engaged in exploration and drilling for oil or natural gas.

The finding show that a typical Shell Western seismic crew consists of about 50 workers, 30 of which would be Shell employees and the remainder contract laborers. The contract labor supplied by Shot Point are not seismic crews, in themselves, but constitute the contract labor portion supporting Shell's seismic crews. The contract labor portion of a seismic crew is under the direct control of the contractor, in the case, Shot Point and not Shell.

If the Department's focus were to change to the seismic crew as the appropriate subdivision, the Shot Point workers still would not meet the qualifying requirements for certification because (1) the Shot Point workers on Shell's seismic crews are under the control of Shot Point and (2) they do not meet the provisions of section 1421(a)(1)(A) of the Omnibus Trade and Competitiveness Act of 1988 for workers employed by a firm or subdivision of a firm engaged in exploration and drilling for oil or natural gas as explained above.

The findings also show that the Exploration Employment Service (TA-W-21,179) contracted seismic services to its customers as opposed to Shot Point's providing only support to a customer's (Shell Western) seismic crews gathering data.

Conclusion

After reconsideration, I affirm the original notice of negative determination to apply for adjustment assistance to workers and former workers of Shot Point Services, Inc., Houston, Texas.

Signed at Washington, DC, this 14 day of February 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-4142 Filed 2-24-92; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefits Administration

[Application No. D-8546, et al.

Proposed Exemptions; Metropolitan Life Insurance Company, 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 form 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 to 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 4975(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.

Metropolitan Life Insurance Company Located in New York, NY [Application No. D-8546]

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, 32847, August 10, 1990). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and 406(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 March 29, 1991, to the cash purchase by the general account (the General Account) of Metropolitan Life Insurance Company (Met) of the debt and equity interests in real estate properties (the Shared Properties) held in an open-ended commingled real estate separate account (Account RE) in which certain plans (the Participating Plans) have invested; provided that: (1) the terms of the purchase were not less favorable to the Participating Plans than similar terms negotiated at arm's length between unrelated third parties; (2) the transaction was approved by independent fiduciaries of the Participating Plans (the Plan Fiduciaries), acting on behalf of the Participating Plans; and (3) the purchase price paid by Met for Account RE's aggregate equity and debt interests in the Shared Properties was not less than the fair market value of such interests on March 29, 1991, the date the purchase was consummated, as determined by independent, qualified appraisals.[1]

Effective Date: If granted, this exemption will be effective March 29, 1991.

Summary of Facts and Representations

1. Met is a mutual life insurance company organized under the Insurance Laws of the State of New York. Met represents that it is the second largest life insurance company in the United States and that it provides insurance products and asset management and other services for numerous employee benefit plans subject to the provisions of Title I of the Act. Met has under management in its General Account and all of its separate accounts, a portfolio of mortgage loans and real estate equities of approximately $26.8 billion. During 1990, approximately $.9 billion was invested in real estate investments. As of December 31, 1990, real estate investments comprised approximately 20.1% of all the assets of Met.

2. Met established Account RE in 1972, pursuant to the authorization of the New York Insurance Department and subsequently began offering participation interests to employee benefit plans. It is represented that after full disclosure by Met of all relevant information regarding Account RE, the decision to acquire units of participation in Account RE was made by the Plan Fiduciaries. As of October 30, 1990, there were twenty-six (26) Participating Plans invested in Account RE. The Metropolitan Insurance and Retirement Plan (the Met I&R Plan), a tax qualified defined benefit plan sponsored by Met, was the only Participating Plan having an interest in Account RE exceeding 20% of the total assets of Account RE. The Met I&R Plan's interest in Account RE, as of October 30, 1990, was 45%. Approximately 4.6% of the assets of the Met I&R Plan were invested in Account RE. Following investment in Account RE, Plan Fiduciaries received quarterly written reports which reflected the transactions in and the current status of Account RE. It is represented by Met that the value of the real estate interests held by Account RE, as of September 30, 1990, was approximately $226 million.

3. Met structured Account RE as a separate account within the contemplation of section 3(17) of the Act, under which income, gains or losses, whether or not realized, from assets allocated to such account were credited or charged against Account RE without regard to other income, gains or losses of Met. Account RE was "open-ended" both with respect to investments and participation. Participation in Account RE was effected pursuant to group annuity contracts issued to Participating Plans (or plan sponsors) which provided among other things, that amounts received under the contracts were applied to Account RE and that the investment experience of Account RE was credited or charged to the participating contracts proportionately to the relative interests of such contracts in the assets held in Account RE.

4. Met was the investment manager with respect to the investment of the assets of Account RE and, as such, was a fiduciary and party in interest with respect to the Participating Plans, pursuant to 3(14)(A) of the Act. It was represented that Met made investments in real estate on behalf of Account RE.[2] Such investments were ordinarily in the form of equity interests in joint venture partnerships which held title to, managed, and/or developed the Shared Properties. Development of joint venture arrangements were customarily "leveraged"; that is, acquisition and development costs were met by the equity contribution of the joint venture partners and by certain loans made to the partnerships. The financing for such loans generally took the form of non-recourse mortgages made by Met on behalf of its General Account and on behalf of Account RE to the joint venture partnership. Such mortgages were secured by the joint venture partnership's interest in its real property.

Pursuant to the Operational Investment Guidelines for Account RE established by the Investment Committee of Met's Board of Directors, Met allocated investments in real estate joint venture partnerships between its General Account and Account RE. Ordinarily, a real estate developer-partner owned 50% of the equity interest in the joint venture partnerships and conducted the ordinary day-to-day affairs of such partnerships. Met, on behalf of both its General Account and on behalf of Account RE, typically owned the other fifty percent (50%) of the equity interest in the joint venture partnerships and provided 100% of the debt financing for such partnerships. At its inception in 1972, Account RE participated in eligible investments, subject to the availability of assets for any particular transaction, to the extent of 10% of Met's equity interest in the joint venture partnership and 10% of Met's debt investment with respect to the property. Subsequently, the Investment Committee adopted a different method of initially allocating investments between the General Account and Account RE. Under the new method, Account RE participated in eligible investments, subject to the availability of assets for any particular transaction, to the extent of 25% of Met's equity interest in any one of the joint venture partnerships and participated in Met's debt financing of that partnership

[1] For purposes of this proposed exemption, references to specific provisions of title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[2] Account RE had, as of December 31, 1990, interests in forty-nine (49) Shared Properties which consisted of office buildings, retail and hospitality facilities, industrial/distribution, mixed use properties, as well as land. It is represented that Account RE, as of that date, held no interests in residential properties. With respect to the allocation of types of real property held by Account RE, the portfolio was heavily weighted to investments in office buildings with highest geographic concentration in the Chicago metropolitan area.

in a percentage which was equal to Account RE's percentage of equity ownership in such joint venture partnership. In 1988, the Department granted Met an individual exemption (PTE 88-93) (granted, 53 FR 38803, October 3, 1988; proposed 52 FR 30977 August 18, 1987) for this initial allocation of interests in real estate joint venture partnerships between Met's General Account and Account RE.[3]

5. It is represented that Participating Plans have over the years benefited from the investment experience of Account RE. However, in Met's opinion, as the Shared Properties matured, they no longer fulfilled the objective of large developmental real estate investments for which Account RE was originally established. In addition, it is represented that since 1972 the Participating Plans' investment objectives had shifted away from developmental real estate. Accordingly, on October 1, 1990, Met requested that each of the Plan Fiduciaries elect, by November 15, 1990, either (a) to participate in the restructuring of Account RE as a closed-end account containing four (4) identified properties, with the other Shared Properties to be liquidated, or (b) to withdraw from participation, and to receive their proportionate share of the proceeds generated from the liquidation of Account RE. On the basis of the responses from Plan Fiduciaries to the two options described above, Met determined to liquidate Account RE, and not to restructure Account RE as a closed-end account.

In order to facilitate the liquidation of Account RE, Met proposed that its General Account purchase Account RE's equity and debt interests, in the Shared Properties. At the time of the liquidation of Account RE, sixteen (16) of the twenty-six (26) Participating Plans in Account RE had withdrawal requests pending in an aggregate amount of approximately $53 million. In this regard, Met informed the Participating Plans that the liquidation of Account RE would be completed before the end of the first quarter of 1991.

Under the valuation rules of Account RE, as approved by the New York State Insurance Department, the assets of Account RE were required to be valued quarterly. It is represented that if the liquidation of Account RE were effected after March 31, 1991, Met would have had to revalue the Shared Properties. Such a valuation was in process during March 1991, to determine the value for the assets of Account RE as of the end of the first quarter. However, preliminary reports indicated that the outlook for real estate investments was declining, particularly for the type of office properties comprising the primary holding of Account RE. Accordingly, on March 29, 1991, Met sold Account RE's debt and equity interests in the Shared Properties to the General Account.[4] The purchase price paid by Met for such interests was based on the December 31, 1990, appraised value of the Shared Properties, as increased by their projected net income carried forward to March 29, 1991.[5] Under this approach, it is represented that the Participating Plans obtained a higher value for their proportionate share of Account RE's real estate holdings, received the cash proceeds from the sale without delay, and had the opportunity to reinvest the proceeds in more liquid assets.

6. On June 1, 1989, James Felt Realty Services, Inc. (Felt Realty), an unincorporated division of Grubb & Ellis, was retained by Met to act as the independent fiduciary on behalf of Account RE. Met, anticipating the need for an exemption with respect to the two options involving the restructuring or liquidation of Account RE, hired Felt Realty as the independent fiduciary and appraiser. One of the roles of Felt Realty, as independent fiduciary, was to determine the fair market value of Account RE's interests in the Shared Properties. In arriving at a methodology for the valuation of Account RE's assets, Felt Realty examined the valuation procedures utilized over the years by Met in its quarterly reports to Participating Plans. Felt Realty represented that the procedure utilized by Met since the inception of Account RE was consistently applied by Met and was a fair and appropriate means of valuing its assets. As a result, Felt Realty utilized a similar methodology in establishing the value of Account RE's equity and debt interests in the Shared Properties.

Under this method, Felt Realty valued the equity interests and debt interests of Account RE separately considering the effect that the mortgages on the Shared Properties had on both the equity and debt values. With respect to Account RE's equity interests in the Shared Properties, Felt Realty first established the fair market value of each of the Shared Properties, subtracted therefrom the face value of any outstanding mortgage(s) secured by the relevant Shared Property, multiplied that result by Account RE's equity interest in such Shared Property, and totalled the amounts reached for each Shared Property to determine Account RE's aggregate equity interest in all of the Shared Properties. (See paragraph number 7 below for a discussion of the impact, if any, of mortgage interest rates on the fair market value of the Shared Properties.)

With regard to establishing the fair market value of the Shared Properties, Felt Realty and/or another affiliate of Grubb & Ellis, prepared appraisals for forty-eight (48) of the forty-nine (49) Shared Properties held by Account RE, as of December 31, 1990.[6] In carrying out this responsibility, it is represented that either Abram Barkan, M.A.I., President of Felt Realty, or Arthur Margon, Ph.D., Vice President of Felt Realty, visited these Shared Properties. In addition, Felt Realty retained qualified appraisers and real estate consultants located in various areas of the country to gather relevant information and prepare certain analysis used by Felt Realty in appraising the value of the Shared Properties.

In estimating the value of the Shared Properties held in Account RE, Felt Realty relied primarily on a cash flow analysis, because, according to Felt Realty, that is the basis upon which transactions including acquisition and disposition of investment quality real estate, such as the Shared Properties, are most often concluded in the marketplace. It is represented that Felt Realty supplemented, where appropriate, its analysis of income stream projections with a value estimatte of the Shared Properties, based on either the replacement cost

[3] Met has represented that a number of transactions relating to the acquisition, management and disposition of the Shared Properties in which Account RE had an interest occurred subsequent to the grant of PTE 88-93 (See, for example, exemption application number D-8556). In this regard, the Department notes that it is not proposing any relief herein for any transactions which may have occurred during the operation of Account RE. Rather, this proposal is limited to relief for the disposition by the Participating Plans of their interests in Account RE.

[4] Met seeks retroactive exemption relief from the Department for the sale of Account RE's interests to the General Account. In support of Met's request for exemptive relief, the application file contains letters signed by Plan Fiduciaries of seven (7) Participating Plans which: (a) Express the belief that it was in the best interest of the Participating Plans to withdraw from participation in Account RE, (b) state the desires of the Participating Plans to receive cash for their proportionate share of Account RE, as soon as possible after the end of 1990, and (c) support Met's determination to enter into the transaction as of March 29, 1991.

[5] Met represents that actual payments, plus interest were made to the Participating Plans on April 12, 1991.

[6] It is represented that as of December 31, 1990, Met hired Landauer, an appraiser independent of Met, Felt Realty, and their affiliates, to prepare the appraisal for the forty-ninth property, located at 660 Madison Avenue, New York, NY (the Madison Ave. Property).

method or the comparable sales method of determining fair market value.

7. As discussed above, many of the Shared Properties in which Account RE had an equity interest also served as collateral for mortgage indebtedness. Felt Realty represented that these mortgages fell into two categories: (1) Mortgages made by Met, on behalf of its General Account and Account RE, to the joint venture, and (2) mortgages made by unrelated third parties to the joint venture. With respect to the first group, because Account RE participated in the mortgages, as a lender, the interests in such mortgages were treated as assets of Account RE. To determine the effect such mortgages had on the fair market value of the Shared Properties, Felt Realty analyzed the principal and payment stream of such mortgages separately. In the opinion of Felt Realty, because Account RE had an interest in the mortgage, as lender, while at the same time had the same percentage interest in the borrowing joint venture partnership, the debt principal had a minimal influence on the fair market value of the Shared Properties and was generally irrelevant to the valuation of the Shared Properties. Further, because these loans had a minimal amortization and were "due on sale," in an actual open market sale transaction, the mortgage principal would have been paid off and Met and Account RE would each have received their proportionate share of the proceeds.

However, Felt Realty pointed out that these loans did carry a periodic payment stream which survived the proposed sale to the General Account. In the event the interest rates on certain mortgages were significantly above or below market, then the fair market value of the Shared Properties either decreased or increased, because in the liquidation of Account RE's assets, the General Account received control of property which had financing at other than market rates. It is represented that in its reports to Participating Plans, Met had adjusted the value of the loan assets of Account RE on an ongoing basis to account for such fluctuations in interest rates. Felt Realty reviewed this procedure and found it appropriate to account for the spread between market rates for financing and for other specifics of the loan terms. In Felt Realty's opinion the only non-mechanical aspect of the process was the choice of discount rate to apply to each loan. It is represented that in rendering its estimate of the value of Account RE's proportionate equity share of each of the Shared Properties, Felt Realty, as independent fiduciary, selected and applied an appropriate discount rate for these mortgage assets.

With respect to the second group of mortgages made to the joint venture partnerships by third parties, Felt Realty indicated that in its valuation such mortgages were treated as debts of Account RE. Five such mortgages existed. These mortgages were "due on sale" and also had a small (generally one percent (1%) of principal) amortization. Felt Realty represented that Account RE's proportional share of the remaining balance of each of these debts was subtracted from the fair market value of the appropriate Shared Properties. Felt Realty represented that it used the resulting value as a basis for calculating Account RE's equity value for those Shared Properties affected by such mortgages.

In addition, Felt Realty stated that it carefully reviewed these third party mortgages to determine whether or not the interest rates payable necessitated the application of a discount or a premium, and therefore, substantially affected Account RE's equity interest in the relevant Shared Properties. In the opinion of Felt Realty, Account RE's proportional share of the face value of these mortgages was small making it unnecessary to apply discounts for high interest rates or premiums for low interest rates, and the small amount of income affected by accounting for interest rate variations on these loans had little substantive impact on the value of the portfolio because of these third party mortgage debts and that any interest rate variation from market on the mortgage assets did not significantly affect the overall value of the Shared Properties in the portfolio.

8. Once the values of Account RE's equity interests in the Shared Properties were thus calculated, Felt Realty calculated the value of the remainder of Account RE's assets. This involved a determination of the amount of cash and cash equivalents remaining in Account RE and the value of mortgage loans in which Account RE participated and which were treated as assets of Account RE. With respect to the values of the mortgage loans, Felt Realty represented that it employed the same discounting procedure used by Met to account for any spread between the market for financing and the specifics of the loan under analysis. As was the case in calculating the effect of mortgages made by Met on the equity values of the Shared Properties, the only non-mechanical aspect of the process used by Met was the choice of the discount rate to apply to each loan. In rendering its estimate of the value of the mortgages and Account RE's interest therein, Felt Realty represented that it determined the appropriate discount rate.

Felt Realty raised one final point in addressing the value of the assets of Account RE. Felt Realty represented that Account RE had only a minority interest in each of the Shared Properties. As a general rule, such minority interests are bought and sold at a discount in order to account for the less liquid and less desirable nature of such non-controlling interests. However, Felt Realty in analyzing Account RE, determined that such discounting was inappropriate and inconsistent for the proposed transaction. This decision was based on the fact that when Account RE entered into each of the investments in the Shared Properties, it did so on a "dollar-for-dollar" basis and did not purchase its interest at a discount. In addition, throughout the history of Account RE, quarterly and annual reports, as well as withdrawals from time to time by Participating Plans from Account RE, have been based on values without making a deduction for minority interests.

9. With respect to its ability to act as independent fiduciary for the proposed transaction, Felt Realty represented that it is not an affiliate of Met, nor is it on retainer to Met or subject to any understanding of a continuing relationship with Met. However, subsequent to Felt Realty's retention as an independent fiduciary for Account RE, it came to the attention of the parties to the transaction that Felt Realty, acting in its capacity as a broker for an unrelated third party purchaser, received a commission from Met in connection with the sale of a portion of the Madison Ave Property and the conversion of part of that property into condominiums. As a result, it was determined that Felt Realty's aggregate income, including the commission it received in connection with the Madison Ave Property and the fees it received acting as independent fiduciary in the subject transaction, from Met and its affiliates exceeded five percent (5%) of its income from all sources in the applicable fiscal year of Felt Realty acting as independent fiduciary.

Following this disclosure, on July 12, 1991, Met informed the Department that it had selected Landauer to function as a second independent fiduciary, on behalf of the Participating Plans, to review and evaluate the appraisal work performed by Felt Realty regarding the Shared Properties. As the replacement fiduciary, Landauer was to accept fiduciary responsibility with respect to

the sale of the assets of Account RE to Met and to ascertain that the value estimates derived by Felt Realty and used as the basis for Felt Realty's approval of the liquidation of Account RE were fair and reasonable, and that the price paid by Met was not less than the fair market value of such Shared Properties.

In this regard, Landauer was empowered: (1) To review, in a timely manner, the valuations of Account RE assets, prepared by Felt Realty, (2) to review the property valuation back-up files maintained by Felt Realty in reaching the conclusions presented in its summary appraisal report; (3) to review the 1990 year end operating statements, the 1991 budget, and the December 1990 rent rolls for all Account RE's assets prepared by Met to test the consistency of such data with that presented in the Felt Realty appraisals and back-up files; (4) to instruct Met, where appropriate, to rerun cash flow projections from the Shared Properties in order to test the affect of changes in specified inputs or assumptions; (5) to inspect selected Shared Properties and conduct independent market research, where necessary, to gain fuller understanding of such properties and their respective markets; (6) upon completion of review, testing, inspection, and data gathering, to provide an evaluation along with a determination as to whether the price paid by Met in the liquidation of Account RE was fair and reasonable; (7) to make adjustments in the value of Account RE's interests in the Shared Properties, if, based upon its independent findings, the price paid by Met was less than the aggregate market value of such interests on March 29, 1991; (8) to approve the short term rate of interest credited by Met to the Participating Plans on the final sales price for the transaction for the period from March 29, 1991, through April 12, 1991, the date Met actually made payments to the Participating Plans; and (9) to perform any other functions reasonably related to the liquidation of Account RE deemed to be included in the scope of its services.

It is represented that Landauer is qualified to serve an independent fiduciary in connection with the subject transaction in that it has at least five (5) years of experience in commercial real estate investments. Landauer is independent in that it has no personal interest in nor bias with respect to Met and its Affiliates. In addition, the gross income received in 1991 from Met or its Affiliates by Landauer or any partnership or corporation in which it owns a ten percent (10%) or more interest did not exceed five percent (5%) of the 1990 gross income of Landauer. Further, Landauer has represented that it has no present or contemplated future interest in the Shared Properties.

On November 8, 1991, Landauer submitted a valuation report to the Department which indicated its findings with respect to completion of the duties outlined above. Based on Landauer's examination of all reports issued by Felt Realty to the Department and Met, and its independent review of supporting documentation, Landauer concluded that: (a) The valuation of Account RE's assets used by Felt Realty to approve the liquidation of Account RE, as of March 29, 1991, was a fair and appropriate basis for such approval; (b) the methodology used by Felt Realty to carry forward the December 31, 1991 values of the Shared Properties to March 29, 1991 was a fair and appropriate treatment of the Participating Plans' interests in Account RE; (c) Felt Realty's approval of the liquidation, including the determination that the price paid by Met was not less than the fair market value of the Shared Properties, was reasonable and appropriate; and (d) the short term interest rate (6.9%) credited by Met to Account RE participants for the period from March 29, 1991, to April 12, 1991, the actual date of payment, was a reasonable short term rate of interest and compared equitably to short term rates available in the market during that period. Landauer represents that each phase of their review provided ample evidence that the liquidation of Account RE was carried out in an impartial and appropriate manner. Further, not only is Landauer of the opinion that the Participating Plans received not less than the fair market value of their interests in Account RE's assets, but Landauer states that the timing of the transaction, given the generally deteriorating economic conditions involving commercial real estate, was particularly beneficial to the Participating Plans. Accordingly, Landauer approved the March 29, 1991, liquidation of Account RE and the subsequent disbursement of the proceeds from such liquidation to the Participating Plans.

9. In summary, Met represents that the transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The purchase by Met's General Account of the Participating Plans' interests in Account RE was a one time transaction for cash;

(b) Met accommodated the preference expressed by the Plan Fiduciaries of Participating Plans for the cash payment option in liquidating Account RE;

(c) The Participating Plans were able to improve their liquidity and pursue alternative investments with the proceeds from the liquidation of Account RE;

(d) The purchase price paid by Met to acquire the Participating Plans' aggregate interests in Account RE was not less than the fair market value of the assets held by Account RE, as determined by Felt Realty and concurred in by Landauer;

(e) The transaction was approved by independent Plan Fiduciaries acting on behalf of the Participating Plans; and

(f) Met has borne the cost of filing the application and paying the fees of Felt Realty and Landauer, and will bear the cost of notifying all interested persons of the notice of pendency of this proposed exemption (the Notice).

Notice to Interested persons

Those persons who may be interested in the pendency of the requested exemption include Plan Fiduciaries for all the Participants and beneficiaries in each of the Participating Plans. Because of the potentially large number of individuals interested in this matter, the Department has determined that the only practical form of providing notice to interested persons is the distribution, by Met, of a copy of the Notice, within fifteen (15) days of the date of the publication of such Notice in the **Federal Register** to the Plan Fiduciaries of all Participating Plans. Such distribution to interested persons shall inform them of their right to comment and to request a hearing, and shall include a copy of the Notice, as published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Rena-Ware Distributors, Inc. Retirement Plan and Trust (the Plan) Located in Redmond, Washington

[Exemption Application No. D-8860]

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 32847, August 10, 1990). If the exemption is granted 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 interest-free extensions of credit (the Advances) to the Plan by Rena-Ware Distributors, Inc. (the Employer), a party in interest with respect to the Plan; provided that (a) no interest and/or expenses are paid by the Plan; (b) the proceeds of the Advances are used only in lieu of payments to the Plan by Mutual Benefit Life Insurance Company (Mutual Benefit) as obligor with respect to group annuity contract number GA-4211 (the GAC); (c) repayment of the Advances will be restricted to the cash proceeds obtained by the Plan from or on behalf of Mutual Benefit with respect to the GAC; and (d) repayment of the Advances will be waived with respect to the amount by which the Advances exceed the amount the Plan receives from the final disposition of the GAC.

EFFECTIVE DATE: This exemption, if granted, will be effective as of August 26, 1991.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan with 161 participants and total assets of $3,861,456 as of March 31, 1991. The Employer is a Washington corporation engaged in the manufacture and sale of household goods, with its principal place of business in Redmond, Washington. The trustees of the Plan are P.M. Lundquist, R.J. Zylstra and J.P. Strecker (the Trustees), each of whom is an officer and/or director of the Employer.

2. The Plan provides retirement benefits which Plan participants may elect to receive by lump sum distribution or annual payments. To fund the Plan's operations, the Trustee purchased the GAC on November 1, 1982 for an initial cash deposit of $700,000. The GAC is an open-ended contract with no maturity date of maturity payment. The Employer represents that as of March 31, 1991, the GAC had an accumulated book value of $3,815,089, representing total principal deposits by the Plan plus interest earnings, less total withdrawals, and constituting approximately 98.9 percent of total Plan asset.[7]

2. On July 16, 1991 Mutual Benefit was taken into conservatorship by the insurance commissioner of the State of New Jersey and Mutual Benefit has suspended payments on its group annuity contracts, including the GAC held by the Plan. The Trustees represent that it is uncertain whether or to what extent Mutual Benefit will be able to make any further payments to the Plan pursuant to the terms of the GAC. As a result of this development and because the GAC constitutes such a large percentage of the Plan's assets, the Trustees represent that the Plan is prevented from meeting its obligations to participants, and will remain unable to meet its obligations as long as it lacks the funds which are due from Mutual Benefit pursuant to the GAC. In order to restore to the Plan its ability to function and to ensure a source of sufficient funds for future benefit payments, the Trustees have arranged for the Employer to advance the Plan the funds (the Advances) which would otherwise be paid by Mutual Benefit under to the GAC.[8] The Trustees are requesting an exemption for the Advances under the terms and conditions described herein.

3. The Trustees represent that the Advances constitute the best method for protecting Plan participants from the uncertainties of the Mutual Benefit situation. The Advances will be in the form of a non-interest-bearing line of credit evidenced by an agreement (the Agreement) which provides that repayment of the Advances is to be limited to the cash proceeds eventually obtained by the Plan from or on behalf of Mutual Benefit or from any state guaranty fund providing coverage of the GAC. No other Plan assets will be used to repay the Advances. Repayment of the Advances will be waived to the extent that the Plan ultimately recovers from Mutual Benefit or any state guaranty fund less than the total amount of the Advances. To the extent the Plan recoups more than the total amount of the Advances, such amounts will be retained by the Plan. The proceeds of the Advances will be used to fund Plan benefit payments in lieu of the funds which otherwise would be obtained through Mutual Benefit's payments pursuant to the GAC. Due to the uncertainties as to the length of the Mutual Benefit receivership and the potentially large amount of Advances that may be required to fund Plan operations, the Employer proposes to obtain a duly-filed security interest in the GAC in order to be in a priority position with respect to other creditors of the Plan. The Trustees represent that the Advances will not result in any expenses or risks to the Plan. The Employer represents that it intends to remain obligated to make the Advances indefinitely, and that there are no plans to terminate the GAC.

4. The Trustees represent that prior to their application to the Department for the exemption proposed herein, it was necessary to make an initial Advance to the Plan, in the amount of $107,309.48, in order to fund the lump-sum distribution of a retiring Plan participant. The Trustees represent that without this initial Advance, on August 26, 1991, the Plan would have been unable to meet its obligation to the subject participants and that the Advance was necessary to enable the Plan to continue operations. Accordingly, the Trustees request that the exemption, if granted, be effective as of August 26, 1991.

5. In summary, the applicant represents that the Advances satisfy the criteria of section 408(a) of the Act for the following reasons: (1) The Advances will preserve the Plan's rights with respect to the GAC while enabling the Trustees to continue the operation of the Plan; (2) The Plan will pay no interest, or incur any expenses or risks, with respect to the Advances; (3) Repayment of the Advances will be restricted to proceeds from the GAC and no other Plan assets will be involved in the transactions; and (4) Repayment of the Advances will be waived to the extent the Plan recovers less upon the eventual disposition of the GAC than the amount of the Advances.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Connecticut National Bank (the Bank) Located in Hartford, CT

[Application No. D-8827]

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 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, 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) shall not apply to the sale, on September 9, 1991, by the Hartford Steam Boiler Employees' Retirement Plan Trust (the Plan) to Hartford Steam Boiler Inspection and Insurance

[7] The Department notes that the Trustee's decisions to acquire and hold the GAC are governed by the fiduciary responsibility requirements of part 4, subtitle B, title I of the Act. In this regard, the Department herein is not proposing relief for any violations of part 4 which may have arisen as a result of the acquisition and holding of the GAC.

[8] The Department has issued a conditional class exemption, PTE 80-26 (45 FR 28545, April 29, 1980) relating to certain loans to employee benefit plans. PTE 80-26 provides exemptive relief for interest-free loans for, among other purposes, the payment of benefits in accordance with the terms of the plan, if the conditions of the class exemption are satisfied. Among the applicable conditions of PTE 80-26 is a requirement that such loans be unsecured. In the instant case, the Employer proposes to retain a security interest in the GAC as collateral for the Advances. Accordingly, the Advances would fail to satisfy a condition of PTE 80-26.

Company (the Employer) of certain promissory notes (the Notes) issued by the Hartford National Corporation (HNC), an affiliate of the Bank, which is the Plan's directed trustee, for the Plan's original acquisition cost of the Notes plus accrued interest provided: (1) The sales price of the Notes was not less than their aggregate fair market value on the date of the sale; (2) the sales price of the Notes was determined on the date of sale by an independent appraiser; (3) the sale was a one-time transaction for cash; and (4) the Plan did not pay any fees or commissions in connection with its acquisition, holding or subsequent sale of the Notes.

EFFECTIVE DATE: If granted, this proposed exemption will be effective September 9, 1991.

Summary of Facts and Representations

1. The Employer, which maintains its principal place of business in Hartford, Connecticut, offers engineering services and specialty insurance products to commercial and industrial enterprises. The Employer's core business is in providing insurance coverage and related services for equipment typically found in commercial and industrial facilities. For the year ending December 31, 1990, the Employer had assets valued at approximately $827.3 million.

2. The Plan is a qualified defined benefit pension plan established by the Employer to provide retirement benefits to its employees. As of December 30, 1991, the Plan had 1,772 active participants, 736 retirees and beneficiaries, 258 vested participants and 16 disabled participants. Also as of December 30, 1990, the Plan had total assets having a fair market of $123 million. The Bank serves as the directed trustee of the Plan. Investment decisions for the Plan are made by a finance committee (the Finance Committee) comprised of six members of the board of directors of the Employer.

3. The Bank, a federally insured national bank located in Hartford, Connecticut, is a wholly owned subsidiary of HNC, a bank holding company that was incorporated in the State of Delaware in 1968. HNC is, in turn, a wholly owned subsidiary of the Shawmut National Corporation (Shawmut), a super-regional holding company with dual headquarters in Hartford, Connecticut and Boston, Massachusetts. As of December 31, 1990, the total assets of Shawmut were $23.7 billion, with the Bank accounting for $12.9 billion of that total. Shawmut and its subsidiaries hold approximately $2.5 billion in assets of plans that are covered by the Act.

4. Since 1959, the Bank has been the directed trustee of the Plan. In this capacity, the Bank serves as the custodian of the Plan's assets and it may invest the Plan's assets only upon the written direction of the Finance Committee. Under the Trust Agreement (the Trust Agreement) entered into between the Bank and the Employer, the Bank has no duty to inquire into the propriety of any investment direction received from the Finance Committee unless the Bank knows the direction constitutes a breach of the Finance Committee's duty to act prudently. Although the Bank serves under the Trust Agreement and it is designed as a trustee under the terms set forth therein, the applicant represents that the Bank's duties are limited to those of a custodian.

5. In 1986, the Finance Committee informed the Bank that it had directed an agent independent of the Bank to invest, on behalf of the Plan, $500,000 in certain unsecured debt securities that had been issued by HNC. HNC proposed to use the investment capital it received for its general corporate purposes. Thus, on November 3, 1986, the Plan acquired the Notes from an independent underwriter in an initial public offering totaling $125 million. The Notes were issued in denominations of $1,000 and integral multiples thereof. The Plan paid no commissions or fees to the Bank, HNC or the Employer in connection with the acquisition of the Notes. The Notes represented .004 percent of the total offering and approximately .5 percent of the total assets of the Plan.

6. The Notes bear interest at the rate of 8.25 percent per annum and they mature on November 15, 1993. The Notes also require HNC to pay interest semiannually on May 15 and November 15. According to the applicant, HNC paid the Plan all interest due under the Notes in a timely manner and the Plan received total interest income of $198,687. In addition, the applicant states that the Plan was not required to pay any servicing fees to the Bank in connection with its holding of the Notes.

7. After the Plan acquired the Notes, the Bank held them on behalf of the Plan until the Office of the Comptroller of the Currency (the OCC), as a result of a routine audit conducted in March 1991, raised questions regarding the propriety, under the Act, of the Plan's continued holding of the Notes. Although the Notes were purchased in a registered public offering through one of the underwriters for the offering and not directly from HNC or the Bank, the Bank had been advised by the OCC in oral communications that the continued holding of the Notes might constitute a prohibited extension of credit between the Plan and HNC in violation of section 406(a)(1)(B) of the Act.

8. The Bank then informed the Employer of the legal advice it had received from the OCC. To remedy the situation, the Employer agreed to repurchase the Notes from the Plan for the greater of the Plan's original purchase price plus accrued interest since the last payment date or the fair market value of the Notes on the date of the sale.

9. The sale took place on September 9, 1991. On that date, Merrill Lynch, Pierce, Fenner and Smith, Inc. (Merrill Lynch), an independent appraiser, valued each $100 of the original face amount of the Notes at $86 for a total fair market value of $430,000 [9] The aggregate purchase price paid by the Employer was $513,062. This amount represented the $500,000 original face value of the Notes plus an interest payment of $13,062 representing interest accruing between May 15, 1991, which was the date HNC made its last interest payment to the Plan, and September 9, 1991, the date of the sale. The Plan did not pay any fees or commissions in connection therewith. Thus, the total income received by the Plan from the time of its acquisition of the Notes (inclusive of interest income paid by HNC totaling $198,687) was $711,749.

10. Because the agreed upon purchase price for the Notes was in excess of their fair market value, the applicant represents that the parties to the transaction believed that it would be in the best interest of the Plan to execute the sale and thereby avoid any further

[9] According to the applicant, Merrill Lynch determined the fair market value of the Notes through its internal Securities Pricing Service (SPS) provided to all SPS subscribers. Under the SPS, Merrill Lynch can provide daily pricings for stocks and weekly pricings for bonds. Prices are thus determined on the basis of recent transactions in the security being valued. Where there is insufficient trading activity in a bond covered by the system to warrant valuations on a weekly basis, the applicant explains that Merrill Lynch can provide direct price quotations upon request.

In the present case, the applicant notes that on September 9, 1991 Merrill Lynch placed the fair market value of the Notes at $430,000. This amount represented 86 percent of the Notes' original face value of $500,000 as well as a resulting decrease of $70,000 from their face amount. The applicant attributes this decrease in value to current concerns about HNC's financial situation and the general status of the banking industry in New England.

By letter dated January 10, 1992, Merrill Lynch stated that the fair market value of the Notes as of that date was $460,000 and it represented 92 percent of their face amount. The applicant explains that this amount is still less than the $500,000 (plus accrued interest) that was paid by the Employer on September 9, 1991.

diminution in the value of the Notes or any other changes in circumstances that might alter the transactional terms. The applicant also asserts that the parties agreed that the Bank would request an administrative exemption from the Department. Accordingly, the Bank requests a retroactive administrative exemption for the transaction described herein.[10]

11. In summary, it is represented that the transaction satisfies the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sale of the Notes by the Plan to the Employer was a one-time transaction for cash; (b) the sales price of the Notes was determined on the date of sale by an independent appraiser; (c) the plan did not pay any fees or commissions in connection with its acquisition, holding or subsequent sale of the Notes; and (d) the Plan sold the Notes to the Employer for an amount representing the original acquisition cost plus accrued interest which was in excess of the fair market value of the Notes as determined by Merrill Lynch.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 523-8881. (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;

(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; and

(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 20th day of February, 1992.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 92-4260 Filed 2-24-92; 8:45 am]

BILLING CODE 7708-01-M

[10] To the extent that the Plan's acquisition and holding of the Notes from November 3, 1986 until September 9, 1991 resulted in a prohibited extension of credit between the Plan and HNC, the Bank represents that it will file a Form 5330 with the Internal Revenue Service and pay all applicable excise taxes that are due within 60 days after the publication, in the **Federal Register**, of the grant of this notice of proposed exemption.

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Meetings/Public Hearings Announcement

AGENCY: National Commission on Severely Distressed Public Housing.

ACTION: Notice of meeting.

SUMMARY: In according with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Commission on Severely Distressed Public Housing announces a forthcoming meeting of the Commission.

NOTICE: The New York City Housing Authority's Public Hearing scheduled on Thursday, February 27, 1992 at the General Services Administration, 26 Federal Plaza, room 305 A, B, & C, New York, New York has been canceled.

The Full Commission Meeting scheduled for Friday, February 28, 1992 has been rescheduled to Thursday, February 27, 1992 in Washington, DC.

DATES: Thursday, February 27, 1992, Full Commission Meeting.

ADDRESSES: Hyatt Regency Hotel, 400 New Jersey, Washington, DC 20001, (202) 737-1234.

FOR FURTHER INFORMATION CONTACT: Carmelita Pratt, Administrative Officer, The National Commission on Severely Distressed Public Housing, 1100 L Street NW., #7121, Washington, DC 20005 (202) 275-6933.

TYPE OF MEETING: Open.

Due to scheduling difficulties, this notice could not be published 15 days prior to this meeting as required by Federal Advisory Committee Act.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 92-4251 Filed 2-24-92; 8:45 am]

BILLING CODE 6820-07-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment

The Assistant Directorate for Education and Human Resources has determined that the establishment of the Special Emphasis Panel in Materials Development, Research, and Informal Science Education is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Special Emphasis Panel in Materials Development, Research, and Informal Science Education.

Purpose: To provide advice and recommendations on the merit of proposals or applications submitted to the Division of Materials Development, Research, and Informal Science Education for financial support.

Balanced Membership Plan: Membership will be selected on an "as needed" basis in response to specific proposals or applications to be reviewed. About 180 individual panelists will be used each year. Members will be selected for their demonstrated scientific and engineering expertise so as to represent a reasonable balance of capability in the various subfields of the proposals to be reviewed. Consideration will also be given to achieving geographic balance and to enhancing representation for women, minority, younger and disabled scientists.

Responsible NSF Official: Dr. Joan R. Leitzel, Director for the Division of Materials Development, Research &

Informal Science Education, National Science Foundation, 1800 G Street, NW. Washington, DC 20550.

Dated: February 20, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-4263 Filed 2-24-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development

Date & Time: March 9, 1992: 8:30 a.m. to 5 p.m.; March 10, 1992: 8:30 a.m. to 3 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1243, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Lola Rogers, Program Manager, 1800 G Street, NW., room 1225, Washington, DC, 20550. Telephone: 202/357-7456.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Visiting Professorships for Women Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b (c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 20, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-4210 Filed 2-24-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-445]

Texas Utilities Electric Co.; Comanche Peak Steam Electric Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Memorandum and Order of January 17, 1992, CLI-92-01, the U.S. Nuclear Regulatory Commission (NRC) referred to the NRC staff under 10 CFR 2.206 allegations by Sandra Long Dow and Richard E. Dow (Petitioners) concerning the pipe support design at the Comanche Peak Steam Electric Station, Unit 1. These allegations were contained in a Motion to Reopen the Record (Motion) filed by Petitioners in the Comanche Peak operating license proceedings for Units 1 and 2. As provided by 10 CFR 2.206, the NRC will take appropriate action on this referral within a reasonable time.

The Petitioners assert as a basis for their Motion that Texas Utilities (TU Electric or the licensee) witnesses repeatedly made false and misleading statements to the Licensing Board between 1982 and 1985, and that these statements prompted the Board to rely on, or adopt false or misleading facts when issuing its Memorandum and Order of December 28, 1983, insofar as it addressed the question of pipe design at Comanche Peak. Specifically, the Petitioners allege that false information presented to the ASLB, the NRC staff, or both, led the ASLB to believe that

> The evidence establishes that each of the three pipe support design organizations has its own specific group of supports. There is no need for cross communication between the three groups since they share no common, in-line design responsibility * * *. The Board concludes that the Applicants have adequately defined and documented the responsibility and paths of communication between * * * the pipe support design groups. No NRC regulation has been violated.

The Petitioners also allege that after the NRC issued the Order, TU Electric filed a series of motions for summary disposition that included affidavits in which affiants knowingly made false statements to the effect that each of the three design organizations had "separate and distinct responsibilities for the design of pipe supports" and all design changes during construction are "returned to the original designer for correction and rechecking."

A copy of the Petition is available for inspection in the U.S. Nuclear Regulatory Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 18th day of February 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-4247 Filed 2-24-92; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

February 18, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Blackstone Strategic Term Trust
Common Stock, $.01 Par Value (File No. 7-7963)

Federated Department Stores, Inc.
Common Stock, $.01 Par Value (File No. 7-7964)

Harken Energy Corp.
Common Stock, $1.00 Par Value (File No. 7-7965)

Hartford Steam Boiler Inspection and Insurance Co.
Common Stock, No Par Value (File No. 7-7966)

Integon Corp.
Common Stock, $.01 Par Value (File No. 7-7967)

Margaretten Financial Corp.
Common Stock, $.01 Par Value (File No. 7-7968)

Angelica Corp.
Common Stock, $1.00 Par Value (File No. 7-7969)

Bancorp Hawaii, Inc.
Common Stock, $2.00 Par Value (File No. 7-7970)

Continental Medical Systems, Inc.
Common Stock, $.01 Par Value (File No. 7-7971)

First of America Bank Corp.
Common Stock, $10.00 Par Value (File No. 7-7972)

Mid America Waste Systems, Inc.
Common Stock, $1.00 Par Value (File No. 7-7973)

Policy Management Systems Corp.
Common Stock, $.01 Par Value (File No. 7-7974)

Precision Castparts Corp.
Common Stock, No Par Value (File No. 7-7975)

Transatlantic Holdings, Inc.
Common Stock, $1.00 Par Value (File No. 7-7976)

Greyhound Lines, Inc.
Common Stock, $.01 Par Value (File No. 7-7977)

Calgón Carbon Corp.
Common Stock, $.01 Par Value (File No. 7-7978)

Ennis Business Forms, Inc.
Common Stock, $2.50 Par Value (File

No. 7-7979)

International Corona Corp.

Class A Common Stock, No Par Value (File No. 7-7980)

Viacom, Inc.

Class B Common Stock, $.01 Par Value (File No. 7-7981)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 10, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-4200 Filed 2-24-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30378; File No. SR-GSCC-92-03]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Proposed Rule Change Requesting an Extension of Its Authority to Maintain Its Current Clearing Fund Formula

February 14, 1992.

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b), notice is hereby given that on January 23, 1992, the Government Securities Clearing Corporation ("GSCC") 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 GSCC. 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

In the proposed rule change, GSCC seeks extended authority, on a temporary or a permanent basis, to maintain its current clearing fund formula.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC 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. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On April 12, 1990, the Commission approved, on a temporary basis, until April 30, 1992, a proposed rule change (SR-GSCC-89-13) that revised GSCC's clearing fund formula in various respects, including allowing offsets of required margin amounts. By this filing, GSCC requests that such authority be made permanent or, in the alternative, that the Commission further extend, temporarily, GSCC's authority to maintain its current clearing fund formula.

In its April 12, 1990, approval order ("Approval Order"), the Commission noted that, "in light of its significance to GSCC and its membership, the proposed revisions to GSCC's Clearing Fund formula should be carefully monitored before they become a permanent feature" of GSCC's Rules and Procedures.[1] The essence of the Commission's concerns expressed in the Approval Order involved the adequacy of the following: (1) GSCC's analysis of price volatility; (2) GSCC's measures of correlation; and (3) the liquidity the Clearing Fund provides to GSCC during periods of high volatility. Each concern is discussed below.

1. Analysis of Price Volatility

The Commission stated in the Approval Order that GSCC should "continue to consider ways to refine its analysis of price volatility, including procedures to consider the effects of dramatic price movements." [2] Since the Commission issued the Approval Order, GSCC has compiled nearly two-years' of its own price volatility data. This data base is now sufficient for use in assessing and monitoring the adequacy of its margin factors.

GSCC continues to ensure the sufficiency of its margining process by using conservative margin factor criteria. In this regard, the information currently considered on a quarterly basis by the Membership and Standards Committee in reviewing the sufficiency of GSCC's margin factors includes: (1) Historical daily price volatility data prepared by Carol McEntee & McGinley Inc. which looks at the current leading issue in each category and uses means plus two standard deviations and (2) short-term (currently, the past 90 days) and long-term (currently, the past year) GSCC data covering mean plus two standard deviations and, separately, 99 percent of all price movements. GSCC's internal and third-party price volatility data indicates that its margin factors are prudent and conservative, including, on the long end of the maturity spectrum, where the greatest exposure exists for GSCC.

Recently, private sector initiatives in the government securities marketplace have arisen, such as the establishment of GOVPX, Inc., that have made significant steps toward disseminating the type of government securities price information that would benefit GSCC. In view of this development, GSCC continues to evaluate the types of third-party price volatility information that are available and the utility of such information. GSCC continues to believe, however, that its own data base would be the most accurate and meaningful source of price volatility data on government securities if GSCC could receive trade data from its members on a time-stamped basis.

2. Measures of Correlation

GSCC believes its disallowance percentage schedule is a conservative one. Currently, GSCC uses neither internal price data nor third-party data to monitor the accuracy of its disallowance percentage schedule. After evaluating available third-party price volatility information, however, GSCC will be able to determine whether and how to use either its internal price data base or a third-party data source to monitor its disallowance percentage schedule.

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[1] Securities Exchange Act Release No. 27901 (April 12, 1990), 55 FR 15055.

[2] *Id.*

3. Ensuring GSCC's Liquidity Needs

In the Approval Order, the Commission indicated the need for GSCC "to ensure that the Clearing Fund has sufficient liquidity, during periods of high volatility, to protect it from contingencies stemming from participants' daily net settlement obligations." [3]

GSCC's margining process helps ensure that GSCC has sufficient liquidity to meet its settlement guarantees, even during periods of high volatility. Perhaps the area of greatest potential concern in this regard is forward trades, which present the largest exposure to GSCC. GSCC believes the margining process for forward net settlement positions, on which Clearing Fund deposits are taken and which are subject to a separate margin pool (the forward mark allocation payment process), is conservative and prudent, particularly in light of GSCC's recent rule filing (SR-GSCC91-04) that makes various changes to GSCC's margin and funds collection processes. [4]

Considering GSCC's positive experience to date with the revised Clearing Fund formula, the conservative nature of its margining process and the extent to which that process has been strengthened to ensure GSCC's liquidity posture, and its ability now to use internal price volatility data to assess the adequacy of the margin factors and correlations, GSCC believes its Clearing Fund formula is appropriate and should be made permanent.

GSCC believes the proposed rule change with help further its ability to ensure orderly settlement in the government securities marketplace. Thus, GSCC believes the proposal is consistent with the requirements of the Act and, in particular, section 17A because it will promote clearance and settlement.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule will have an impact on, or impose a burden on, competition.

[3] *Id.*

[4] Securities Exchange Act Release No. 30135 (December 31, 1991), 57 FR 942. The proposed rule change would allow GSCC to treat forward net settlement positions for Clearing Fund calculation purposes essentially as it does next-day settling and fail net settlement obligations.

In addition to Clearing Fund deposits of a separate "forward mark allocation" margin amount on forward net settlement positions, the proposed rule change would allow GSCC to raise the cap on this daily margin amount from 75 percent to 100 percent. Under most circumstances, this change would allow GSCC to collect the entire amount of the top five daily member debits in each CUSIP.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule change have not yet been solicited or received. Members will be notified of the proposed rule change, and comments will be solicited, by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

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, 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, 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, at the address above. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to file number SR-GSCC-92-03 and should be submitted by March 27, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. [5]

[FR Doc. 92-4199 Filed 2-24-92; 8:45 am]

BILLING CODE 8010-01-M

[5] 17 CFR 200.30-3(a)(12).

[Release No. 34-30388; File No. SR-MBSCC-92-1]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by MBS Clearing Corporation To Reduce Its SBO Destined Trade Fees

February 19, 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 February 7, 1992, the MBS Clearing Corporation ("MBSCC") 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

Under the proposed rule change, MBSCC seeks to establish a 10% reduction in all SBO Destined Trade fees for MBSCC participants.

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 change is to establish a 10% reduction in all SBO Destined Trade fees for MBSCC participants. MBSCC fees will be reduced as follows:

Par value/month	Former fees	New fees
1,000,000-2,500,000,000	[1] 2.70/MM	2.45/MM
2,501,000,000-5,000,000,000.	2.50/MM	2.25/MM
5,001,000,000-7,500,000,000.	3.30/MM	2.10/MM

Par value/month	Former fees	New fees
7,501,000,000–10,000,000,000.	2.15/MM	1.95/MM
10,001,000,000–12,500,000,000.	1.95/MM	1.75/MM
12,501,000,000–Over	1.75/MM	1.60/MM

[1] MM denotes millions.

MBSCC's reduction in fees reflects its continued growth and solid financial condition. The fee reduction will be retroactive to trade input from January 2, 1992.

MBSCC believes the proposed rule change is consistent with section 17A(b)(3)(D) of the Act in that it provides for the equitable allocation of reasonable fees and other charges among participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC 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 of Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by MBSCC and therefore has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication 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 at the principal office of the above-referenced self-regulatory organization. All submissions should refer to file number SR–MBSCC–92–1 and should be submitted by March 17, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–4245 Filed 2–24–92; 8:45 am]

BILLING CODE 8010–01–M

[2] 17 CFR 200.30–3(a)(12).

[Rel. No. IC–18555; 811–7801]

Hilliard Lyons Growth Fund, Inc.; Notice of Application

February 18, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANT: Hilliard Lyons Growth Fund, Inc.

RELEVANT 1940 ACT SECTIONS: Exemption requested pursuant to section 6(c) from sections 2(a)(32), 2(a)(35), 22(c), 22(d) and from rule 22c–1.

SUMMARY OF APPLICATION: Applicant seeks an order that would permit it to impose and, under certain circumstances, waive a contingent deferred sales charge ("CDSC") on certain redemptions of its shares.

FILING DATE: The application was filed on October 9, 1991 and amended on December 12, 1991 and February 10, 1992.

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 March 16, 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, Hilliard Lyons Center, Louisville, KY 40202.

FOR FURTHER INFORMATION CONTACT: Maura A. Murphy, Staff Attorney, at (202) 272–7779, or Barry D. Miller, Branch Chief, at (202) 272–3030 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized under the laws of Maryland on September 5, 1991. J.J.B. Hilliard, W.L. Lyons, Inc. (the "Distributor"), is a registered broker-dealer under the Securities Exchange Act of 1934 and will serve as principal underwriter for applicant.

2. Applicant intends to offer its shares for sale at net asset value plus a maximum front-end sales charge of 4.75% of the offering price (4.99% of net asset value) on single purchases of less than $50,000. The sales charge will be reduced on a graduated scale on single purchases of at least $50,000 but less than $1,000,000. For purchases of $1,000,000 or more, applicant will not impose a front-end sales charge.

3. Applicant proposes to impose a CDSC on redemptions of shares initially sold in amounts of $1,000,000 or more. The CDSC will be imposed only in the event of a redemption occurring within twelve months following the purchase and will be equal to 1% of the lesser of (a) the net asset value of the shares at the time of purchase or (b) the net asset value of the shares at the time of redemption.

4. Applicant will not impose a CDSC when the investor redeems (a) amounts representing an increase in the value of applicant's shares due to capital appreciation, (b) shares purchased through reinvestment of dividends or capital gains distributions, or (c) shares held for longer than twelve months. In determining whether a CDSC is payable, and the amount of the charge, applicant will assume that shares purchased with reinvested dividends and capital gains and then shares held the longest will be redeemed first.

5. Both the holding period and the amount of the CDSC are subject to change, but applicant will comply with proposed rule 6c–10. The maximum amount of any CDSC, or combination of

CDSC and front-end sales charge, will not exceed the maximum sales charge permitted under the rules of Fair Practice promulgated by the National Association of Securities Dealers.

6. Applicant intends to waive the CDSC on the redemption of shares in the event of: (a) The death or disability (as defined in section 72(m)(7) of the Internal Revenue Code) of the shareholder; (b) a lump sum distribution from a benefit plan qualified under the Employee Retirement Income Security Act of 1974 ("ERISA") or (c) systematic withdrawals from ERISA plans if the shareholder is at least 59½ years old.

7. Applicant intends to waive all sales charges, including CDSCs, in connection with purchases and redemptions of its shares by the following persons: (a) Current and retired employees of Hilliard-Lyons, Inc. (the parent of the Distributor) and its affiliates, employee benefit plans for those employees, and the spouses and children (under the age of 25) of those employees when orders on their behalf are placed by the employees; (b) employees and directors of applicant and registered representatives of securities dealers and financial advisors with whom the Distributor has sales agreements; (c) existing advisory fee clients of the Distributor or Hilliard Lyons Trust Company on purchases effected by transferring all or a portion of their investment management or trust accounts to applicant, provided that such accounts have been maintained for at least six months prior to the date of purchase; and (d) trust companies, bank trust departments and registered investment advisors purchasing for accounts over which they exercise investment authority and which are held in a fiduciary, agency, advisory, custodial or similar capacity, provided that the amount collectively invested or to be invested by such accounts during the subsequent 13-month period totals at least $100,000.

8. Applicant also proposes to impose no sales charges upon shareholders purchasing through an investment broker of the Distributor to the extent that the purchase is funded by proceeds from a sale of shares of any mutual fund (other than a money market fund) for which the investor paid a front-end sales charge, and which was either purchased (i) within three years of the date of purchasing shares of applicant, and held for at least six months, or (ii) at any time, and for which the Distributor was not a selling dealer, provided that in either case the order for shares of applicant was received within 30 days after the sale of the other fund.

9. With respect to the preceding paragraph, applicant will not waive the sales charges if it is unable to determine that the shareholder has not paid a deferred sales load, fee, or other charge in connection with the redemption of shares of such other open-end investment company. Applicant will take such steps as may be necessary to determine that the shareholder has not paid a deferred sales load, fee, or other charge in connection with the redemption of shares of such other mutual fund, including, without limitation, requiring the shareholder to provide a written representation that neither a deferred sales load, fee, nor other charge was imposed upon the redemption, and, in addition, either (a) requiring such shareholder to provide an activity statement reflecting the redemption that supports the shareholder's representation or (b) reviewing a copy of the current prospectus of the other mutual fund and determining that such company does not impose a deferred sales load, fee, or other charge in connection with the redemption of shares.

Applicant's Legal Analysis

1. Applicant seeks an exemption from sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the 1940 Act and Rule 22c-1 thereunder, to the extent necessary to permit the imposition of a CDSC. Applicant submits that, in keeping with the requirements of section 6(c), the requested relief is appropriate and in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicant submits that a CDSC will not restrict a shareholder from receiving a proportionate share of applicant's current net assets upon redemption, but will merely defer the deduction of a sales charge and make it contingent upon an event that may never occur.

Applicant's Condition

1. If the requested exemptive relief is granted, applicant agrees that it will comply with the provisions of proposed rule 6c-10 under the 1940 Act (Investment Company Act Release No. 16619 (Nov. 2, 1988)) as currently proposed and as it may be reproposed, adopted or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-4244 Filed 2-24-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Florida Air, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination—Order 92-2-38. Order to show cause.

SUMMARY: The Department of Transportation is proposing to find that Florida Air, Inc., is fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act and to transfer to it the commuter authority issued previously to Aero Coach Aviation International, Inc.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P-56, room 6401, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than February 28, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara P. Dunnigan, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2342.

Dated: February 18, 1992.

Patrick V. Murphy, Jr.

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-4223 Filed 2-24-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Announcement of Receipt of Notice to Extend Public Comment Period on Proposed Restriction on Operations of Stage 2 Aircraft at Minneapolis-St. Paul International Airport in Minneapolis, MN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

The Federal Aviation Administration (FAA) has been notified by the Metropolitan Airports Commission (MAC) that it is extending its public comment period by an additional 45 days. The MAC's original public comment period ended January 23, 1992. Comments will now be received by the MAC through March 9, 1992.

The MAC's notice of the proposed restriction and an opportunity to

comment was published on December 9, 1991, pursuant the Airport Noise and Capacity Act of 1990 and 14 CFR 161.203. The MAC's notice of extension of the comment period was issued January 21, 1992.

In its notice, published on December 9, 1991, in the Star Tribune in Minneapolis, Minnesota and Pioneer Press in St. Paul, Minnesota, the Metropolitan Airports Commission indicated that the initial phase of the ordinance restricting operators to their Stage 2 baseline would take effect not earlier than 180 days from the date of publication of MAC's Notice. This date is June 6, 1992. The second phase, a ban on nighttime Stage 2 operations, would take effect on or after that date, as determined by the Commission. These effective dates are not proposed to be changed by the MAC.

Ms. Jennifer Unruh, Committee Secretary at: Metropolitan Airports Commission, General Offices, 6040 28th Avenue South, Minneapolis, Minnesota 55450, (612) 726-8100.

Copies of the complete text of the proposed restriction and the supporting analysis may be obtained by phoning or writing MAC. These documents are also available for public inspection at MAC's General Offices. MAC has indicated that extension of the comment period does not change the proposed restriction or its analysis in any way. Comments to MAC on the proposed restriction should be received by March 9, 1992.

Issued in Des Plaines, Illinois, January 23, 1992.

W. Robert Billingsley,

Manager, Airports Division, Great Lakes Region.

[FR Doc. 92-4229 Filed 2-24-92; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-92-4]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petition identify the petition docket number involved and must be received on or before March 10, 1992.

ADDRESSES: Send comments on any petition in triplicate to:.

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. 26624, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

Authority: This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 21, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Docket No.: 26624 (Extension of comment period)

Petitioner: Geotech International Ltd. and the Mil Design Bureau

Sections of the FAR Affected: 14 CFR 133.19 and 133.21

Description of Relief Sought: To allow the petitioners to conduct external load rotorcraft operations within the United States with Soviet registered MI-26 rotorcraft operated by Soviet licensed crews.

[FR Doc. 92-4429 Filed 2-24-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 92-23]

Extension of Atlantic Petroleum Services, Inc., Customs Approval To Include Accreditations To Perform Certain Laboratory Analyses

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

ACTION: Notice of the extension of Atlantic Petroleum Services, Inc., Customs approval to include the accreditation of certain laboratory analyses to be performed for Customs purposes.

SUMMARY: Atlantic Petroleum Services, Inc., of Staten Island, New York, a Customs approved gauger and accredited laboratory under § 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of its Customs approval to include accreditations to perform the following laboratory analyses at its Staten Island, New York facility: API Gravity, Water by distillation, Reid Vapor Pressure, Saybolt Universal Viscosity, Sediment by extraction, percent by weight sulfur, percent by weight lead.

SUPPLEMENTARY INFORMATION: Part 151 of the Customs Regulations provides for the acceptance at Customs Districts of laboratory analyses and gauging reports for certain products from Customs accredited commercial laboratories and approved gaugers. Atlantic Petroleum Services, Inc., a Customs-approved commercial gauger and commercial laboratory, has applied to Customs to extend its Customs approval to include the laboratory analyses named above. Review of Atlantic Petroleum Services, Inc. qualifications shows that the extension is warranted and, accordingly, has been granted.

EFFECTIVE DATE: February 12, 1992.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, DC 20229 (202-566-2446).

Dated: February 20, 1992.

J.E. Harrell,

Acting Director, Office of Laboratories and Scientific Services.

[FR Doc. 92-4258 Filed 2-24-92; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 92-22]

Approval of Marine Control Surveyors, Inc. as a Commercial Gauger

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

ACTION: Notice of Approval of Marine Control Surveyors, Inc., as a Commercial Gauger.

SUMMARY: Marine Control Surveyors, Inc., of Groves, Texas recently applied to Customs for approval to gauge imported petroleum, petroleum products, organic chemicals and vegetable and animal oils under § 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that Marine Control Surveyors, Inc., meets all of the requirements for approval of a commercial gauger.

Therefore, in accordance with § 151.13(f) of the Customs Regulations, Marine Control Surveyors, Inc., is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: February 15, 1992.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, (202-566-2446).

Dated: February 20, 1992.

J.E. Harrell,

Acting Director, Office of Laboratories and Scientific Services.

[FR Doc. 92-4259 Filed 2-24-92; 8:45 am]

BILLING CODE 4820-02-M

Fiscal Service

[Dept. Circ. 570, 1991 Rev., Supp. No. 15]

Surety Companies Acceptable on Federal Bonds; The Cincinnati Casualty Co.

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under Sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30137 to reflect this addition:

The Cincinnati Casualty Company

Business Address: P.O. Box 145496, Cincinnati, Ohio, 45250-5496. *Underwriting Limitation:* $3,598,000. *Surety Licenses:* AL, AZ, CO, FL, GA, IL, IN, IA, KS, KY, MI, MS, MO, NE, NM, NC, OH, OK, PA, SC, SD, TN, TX, UT, VA, VT, WV, WI, WY. *Incorporated in:* Ohio.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6850.

Dated: February 14, 1992.

Charles F. Schwan, III,

Director, Funds Management Division.

[FR Doc. 92-4243 Filed 2-24-92; 8:45 am]

BILLING CODE 4810-35-M

UNITED STATES INFORMATION AGENCY

Parliamentary Exchange Program With the Commonwealth of Independent States—CIS (Armenia, Azerbaijan, Byelarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan), and Georgia

AGENCY: United States Information Agency.

ACTION: Notice—Request for proposals.

SUMMARY: The Office of Citizens Exchanges (E/P) announces a request for proposals from Washington-area public and private non-profit organizations in support of projects that develop a series of two-week legislative exchange programs for parliamentarians from representative States of the Commonwealth of Independent States (CIS) and Georgia, the former Soviet Union. Delegations of ten or fewer members of the parliaments of Russia, Ukraine, Kazakhstan, Armenia, Azerbaijan, Uzbekistan, Byelarus, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Georgia will participate in this senior-level program. Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals.

DATES: This action is effective from the publication date of this notice through April 17, 1992, for projects whose activities commence in the summer of 1992.

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, April 17, 1992. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents postmarked April 17, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that proposal are received by the above deadline.

ADDRESSES: The original and 15 copies of the completed application and required forms should be submitted by the deadline to: U.S. Information Agency, Grants Management Division (E/XE), ATTN: Citizen Exchanges—CIS Parliamentary Exchange Program, room 357, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th Street, SW., Washington, DC 20547.

SUPPLEMENTARY INFORMATION: The Office of Citizen Exchanges of the United States Information Agency (USIA) announces a program to encourage, through limited awards to non-profit institutions, increased commitment to and involvement in international exchanges. Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Awarding of any and all grants is contingent upon the availability of funds.

Objectives of the Parliamentary Exchange Program With the States of the Commonwealth of Independent States (CIS)

Overview

This program will focus on the historical evolution and development of the United States Congress, and demonstrate how American elected officials discharge their responsibilities. Participants will also spend approximately one half of their time outside Washington, DC, to shadow Members of Congress and their staff in their Congressional Districts, and to examine U.S. State legislatures through site visits and briefings.

Washington-area non-profit institutions will design these exchanges and work with CIS member State parliaments to derive representative deletions for consideration by USIA, the Department of State and Congressional leaders. The grantee organizations will select nominees, individuals and groups,

based on guidance from the joint leadership of Congress after an opportunity for appropriate consultation with the Department of State and USIA. In some cases, based on Congressional and post requests, grantee institutions will be asked to program individual parliamentary leaders in addition to group delegations (see Funding section).

Background

Background information on the nature of the political changes within the CIS and the composition of the individual parliaments will be provided with the complete packet of application materials. This information will assist competing international exchange organizations in understanding the complexity of political change in the former USSR. Grantee institutions must demonstrate their awareness of these political changes in order to design relevant exchange programs and nominate appropriate participants. The political situation in and among these States is fluid and these observations are often quickly overtaken by events.

Program Planning Considerations

Competing grantee institutions should present a work plan for each of its parliamentary exchanges. In the development of each institution's unique proposal, they should be aware that while the United States Congress is an excellent model for comparison, one cannot assume that it is adaptable to individual state conditions. Similarly, while U.S. State Legislatures may be more comparable in size, their systems and processes may not completely parallel former state interests and needs.

Furthermore, grantee institutions should keep in mind the very different cultural, political and historical traditions of CIS State parliamentarians. Program organizers need to be particularly familiar with these traditions so that they can design their program plan, orientation sessions and briefings accordingly. U.S. organizers should assume that many of these CIS State leaders have only minimal familiarity with American traditions and institutions. Consequently, programs should begin with a few days of thoughtful orientations before participants begin highly focused substantive meetings.

Program Objectives

(1) To introduce the visitors to our democratic legislative system, using first-hand experience with the day-to-day work of American Senators and Congressmen in their Capitol Hill offices, in Committees and Subcommittees, and in their Districts.

(2) To expose U.S. Senators and Representatives to the way the various state legislative systems work, to establish institutional linkages, and encourage enduring personal relationships.

(3) To demonstrate how American legislators interact with their constituents, with lobbyists, with the other branches of the government and with their political party.

(4) To address long term problems facing state leaders and offer an array of possible solutions from which they may choose.

(5) To stress the role of government in protecting the rights of individuals to engage in productive and independent activity, and make participants aware that government possesses powers given to it by the people.

(6) To address such concepts as conflict of interest and political accountability; and to examine American approaches to reaching compromise through bargaining, negotiation and other conflict resolution techniques.

Participants

Several delegations of ten or fewer members of the parliaments of Russia, Ukraine, Kazakhstan, Armenia, Azerbaijan, Uzbekistan, Byelarus, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Georgia will participate in this senior-level program.

Programs should have a thematic orientation, and grantee institutions may prefer to develop programs for smaller delegations (minimum of four participants), or divide delegations into subgroups, in order to address specific thematic issues in addition to the overall objective of introducing American Congressional and legislative functions and processes.

U.S. non-profit institutions will design these exchanges and work with the state legislatures to derive representative delegations for consideration by USIA, the Department of State and Congressional leaders. The grantee organizations will select nominees, individuals and groups, based on guidance from the joint leadership of Congress after an opportunity for appropriate consultation with the Department of State and USIA.

Knowledge of English is not essential since the Language Services Division of the Department of State will provide escort/interpreters as is necessary. Budgets for these programs should include travel and per diem allocations for these escort/interpreters (usually two simultaneous interpreters and one escort per program) but not salaries which are covered by USIA from other funds.

Programming Suggestions

In addition to the overall objectives listed above, the Office of Citizen Exchanges offers the following suggestions to stimulate the grantee institution's own creative design and to alert grant applicants to some of USIA's interests and concerns.

The program must be balanced and non-partisan, and representative of American political, geographic, and economic diversity. While Washington-based programming is essential to this program, it should be balanced with programming outside the capital to emphasize the representative nature of our political system, to provide opportunities to visit District offices, and to study individual state legislative systems, where appropriate. Programs might include some of the following concepts and/or ideas:

a. Briefings concerning the history of the American Constitutional system, the Federalist papers (available in Russian) and underlying debates that were addressed during the Articles of the Confederation and Constitutional development periods. Upon their arrival, participants might receive an appropriate set of translated books and materials.

b. An examination of the basic relationship of the separate yet overlapping powers of the Legislative, Judicial and Executive branches of the U.S. Government. Similarly, a study of the relationship, roles and responsibilities of different levels of government (local and state government, state and national government) and relevant communication patterns and obligations would prove beneficial.

c. An exploration of the Congressional structure and functions, and methods of drafting and ushering legislation through the system.

d. Study of the Congressional Committees and Subcommittees, their function, accomplishments and role in oversight, legislative development, appropriations, etc.

e. An examination of Congressional information systems, to include time spent exploring the Library of Congress and the Congressional Research Service.

f. Briefings and site visits to study the American political party system, election processes, campaigns, opinion polling, campaign financing and fund raising, and the role of the media in the American political process.

g. Shadowing of Members of Congress in their home districts, when possible, to

examine constituent relations, and the role of citizen action groups and lobbies.

h. Study of the U.S. State legislative systems, committees, legislative development, civil and political service systems, and information systems.

i. Development of parliament to parliament linkages, information networks (LEXUS, BITNET etc.) and consortia for the creation of training centers in each of the former Soviet republics.

j. Where possible, individualized or sub-group visits to states and cities reflecting areas of similarity to the visitors' region, sister city affiliations, and other institutional ties and exchange relationships.

k. With separate funding, the establishment of follow-on consultations and training programs in these states to help facilitate the development of their legislative systems.

l. The enhancement of these exchanges through the addition of written training and other background materials, to possibly include video and software materials.

To the degree possible, exchange programs should be designed based on an assessment of the needs and interests of these leaders. Delegations should primarily represent only one CIS state, although thematic programs for multi-state delegations may be considered if they are particularly well-designed and confirmation of support from each of the states is included.

In nominating legislative delegations and designing exchange programs, grantee institutions may wish to include thematic programming on such topics as:

(1) economic privatization, (2) the development of an infrastructure system (roads and transport, distribution systems), (3) stimulation and support for economic development and entrepreneurship, (4) conversion of military-industrial complex, (5) financial infrastructure development and banking, (6) environmental protection and legislation, (7) the public and private provision of social services and health care, (8) agricultural development and food processing, (9) the creation of new educational institutions, or (10) the development of foreign relations expertise on security issues, international organizations and financial assistance opportunities, etc.

Should the exchange program focus, to some degree, on any of these or other thematic foci in addition to introducing basic Congressional systems, then the grantee institution should include meetings with U.S. Senators and Congressmen with similar interests and Committee responsibilities.

Grantee institution program responsibilities include handling all program logistics, designing a cohesive and substantive program, selecting American speakers, identifying internship or "shadowing" opportunities, preparing the necessary program materials, obtaining cost-sharing support, and overseeing the program on a daily basis.

Funding

Competition for USIA funding support is keen. The final selection of a grantee institution will depend on program substance, cross-cultural sensitivity, the applicant's familiarity with the legislative process both here and in the target area, attention to protocol considerations, and ability to carry the program through to a successful conclusion. Furthermore, selection will be based on the grant proposal's cost-effectiveness—including in-kind contributions and ability to keep administrative costs to a minimum.

USIA will make several awards to conduct these legislative exchanges. The Office of Citizen Exchanges will consider CIS geographical distribution in selecting grantee institutions to insure that this overall program reaches most if not all of the CIS States. Similarly, a grantee institution's ability to reach a greater number of state leaders with carefully constructed cost-effective proposals will affect the selection of award winners.

There is no set funding limit on grant submissions, but proposals are likely to receive preference if they do not exceed $200,000. However, exchange organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000.

As stated in the introduction, USIA posts and Congressional leaders may request individual parliamentary leader programs on an ad hoc basis. To facilitate opportunities to quickly program key individual leaders, grantee institutions should set aside approximately $20,000 in their proposals to be used for this purpose. USIA is aware that grantee institutions cannot prepare individualized programs in advance, but that they will design appropriate substantive programs once a nomination has been received. USIA also anticipates that most if not all of this $20,000 set-aside will be for participant and escort/interpreter program costs. This special funding category may be amended and increased by USIA, if necessary.

USIA will consider funding the following project costs: international and domestic air travel (economy class airfare up to and including business class airfare); ground transportation costs; per diem (at a minimum of $140 per day, although higher per diem rate requests will receive consideration on a case-by-case basis); consultant fees, if necessary, to provide background briefings; honoraria at not more than $200 per individual presentation; administrative costs including support staff, telex, telephone, etc.; a one-time book allowance payment of approximately $200 and a cultural allowance of approximately $150 for each participant. These categories are illustrative and the grantee institution may wish to fund any of them through in-kind contributions or other resources.

Detailed three-column budgets are required, summarizing funding amounts requested from USIA, institutional or other cost-sharing contributions, and total costs. Prospective grantees may also wish to submit a separate draft budget for possible second-year renewal funding consideration. However, all grantee institutions should be aware that the award of any grant is subject to the availability of funds, and that all program design and development costs are the responsibility of the submitting institution. USIA will not award funds for activities conducted prior to the actual grant award.

Grantee institutions should be aware that many of these delegations will require some protocol considerations, including photo-opportunities with Congressional leaders and receptions. USIA funding cannot cover the costs of receptions beyond the per diem expenditures for the foreign participants. Consequently, grantee institutions should make efforts to cost-share these events through other funding sources.

Because this is a competitive solicitation, representatives of the Office of Citizen Exchanges can only respond to technical questions. Application materials are available upon request. The USIA officer responsible for this project is: Dr. Gregory F. T. Winn, Deputy Director, Office of Citizen Exchanges (E/P), USIA Room 220, Washington, DC 20547, Telephone: (202) 619-5348 FAX: (202) 619-4350.

The resumes or c.v.'s of all program and administrative staff should be included with proposals. Confirmation letters, included within the proposal, from CIS, State and U.S. cosponsors will enhance a grantee institution's submission. However, letters of endorsement should be included within the grant proposal. Proposals must be fully in accord with the terms of this Request for Proposals (RFP) as well as

with Project Proposal Information Requirements (OMB #3116–0175).

Other Logistical Considerations

Program monitoring and oversight will be provided by appropriate Agency elements. Per Diem support from host institutions during an internship component is strongly encouraged. However, for all programs which include internships, a non-profit grantee institution which receives funds from corporate or other cosponsors should use these funds to cost-share the following items: Food, lodging and pocket money for the participant. Internships should also have an American studies/values orientation component at the beginning of the exchange program in the U.S. Grantee institutions should try to maximize cost-sharing in all facets of their program design, and to stimulate U.S. private sector (foundation and corporate) support.

In the selection of all foreign participants, USIA and USIS posts retain the right to nominate participants and to accept or deny participants recommended by the program institution. The grantee institution should provide the names of American participants to the Office of Citizen Exchanges for information purposes.

The Government reserves the right to reject any or all applications received. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant, all preparation and submission costs are at the applicant's expense.

Funding and Budget Requirements for all Submission

Since USIA grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of support. Grant applications should demonstrate substantial financial and in-kind support.

Funding assistance is primarily limited to project costs as defined in the Project Proposal Information Requirements (OMB #3116–0175, provided in application packet) with modest contributions to defray total administrative costs (salaries, benefits, other direct and indirect costs). USIA-funded administrative costs are limited to 22 (twenty-two) per cent of the total funds requested for administrative costs. Awarding of any and all grants is contingent upon the availability of funds. USIA anticipates funding activities for one year, although applications should be structured so that a one-year renewal is an option.

Additional Guidelines and Restrictions

Proposals for all programs are subject to review and comment by USIS posts.

Bilateral programs should clearly identify the counterpart organization and provide evidence of the organization's participation.

Bureau grants are not given to support projects whose focus is limited to technical issues, or for research projects, for youth or youth-related activities (participants' age under 25), for publications funding for dissemination in the United States, for individual student exchanges, for film festivals and exhibits. Nor does this office provide scholarships or support for long-term (a semester or more) academic studies. Competitions sponsored by other Bureau offices are also announced in the **Federal Register.**

Other Application Requirements

Proposals must contain a narrative which includes a complete and detailed description of the proposed program activity as follows:

1. A brief statement (15 pages or less) of what the project is designed to accomplish; how it is consistent with the purposes of the USIA grant program; and how it relates to USIA's mission—to further U.S. foreign policy objectives, explain U.S. policies and actions overseas, to present American society to citizens of other countries, to create and strengthen personal and institutional ties between the U.S. and other nations, to increase mutual understanding, and to correct misperceptions about the United States.

2. A concise description of the project's work plan and its intellectual rationale, spelling out program schedules, thematic agenda, and proposed itineraries, who the participants might be and where they will come from. Resumes should not exceed two pages in length and should be tailored for this specific program.

3. A statement of what follow-up activities are proposed; how the project will be evaluated; and what groups, beyond the direct participants, will benefit from the project and how they will benefit.

4. A detailed three-column budget showing funds requested from USIA, funds cost-shared by the grantee institution, and a third column combining these totals for each funding category.

5. USIA compliance forms, furnished with the application package, must be submitted with the proposal.

Note: All application forms will be provided with the application packet.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office and the contracts office. Proposals may also be reviewed by the Agency's Office of the General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

USIA will consider proposals based on the following criteria:

1. Quality of Program Idea

Proposals should exhibit originality, substance, rigor, and relevance to Agency mission. They should demonstrate the matching of U.S. resources to a clearly defined need.

2. Institution Reputation/Ability/Evaluations

Institutional grant recipients should demonstrate potential for program excellence and/or track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). Relevant evaluation results of previous projects are part of this assessment.

3. Project Personnel

Personnel's thematic and logistical expertise should be relevant to the proposed program. Resumes or C.V.s should be summaries relevant to the specific proposal and no longer than two pages each.

4. Program Planning

Detailed agenda and relevant work plan should demonstrate substantive rigor or logistical capacity.

5. Thematic Expertise

Proposal should demonstrate expertise in the subject area which guarantees an effective sharing of information.

6. Cross-Cultural Sensitivity/Area Expertise

Evidence of sensitivity to historical, linguistic, and other cross-cultural

factors; relevant knowledge of geographic area.

7. Ability to Achieve Program Objectives

Objectives should be reasonable, feasible, and flexible. Proposal should clearly demonstrate how the grantee institution will meet the program's objectives.

8. Multiplier Effect

Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.

9. Cost-Effectiveness

The overhead and administrative components should be kept as low as possible. All other items should be necessary and appropriate to achieve the program's objectives.

10. Cost-Sharing

Proposals should maximize cost-sharing through other private sector support as well as institution direct funding contributions.

11. Follow-on Activities

Proposals should provide a plan for continued exchange activity (without USIA support) which insures that USIA supported programs are not isolated events.

12. Project Evaluation

Proposals should include a plan to evaluate the activity's success.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applications will be notified of the results of the review process on or about August 1, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 18, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-4253 Filed 2-24-92; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 37
Tuesday, February 25, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, February 27, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED: Compliance Status Report.

The staff will brief the Commission on various compliance matters.

for a Recorded Message Containing the Latest Agenda Information, Call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, (301) 504-0800.

Dated: February 21, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92-4408 Filed 2-21-92; 1:44 pm]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

February 19, 1992.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

DATE AND TIME: February 26, 1992, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400. For a recording listing items stricken from or added to the meeting, call (202) 208-1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 953rd Meeting—February 26, 1992, Regular Meeting (10:00 a.m.)

CAH-1.
Project No. 2984-017, S.D. Warren Company
CAH-2.
Omitted
CAH-3.
Project No. 8291-005, North Star Hydro, Ltd.
CAH-4.
Project No. 7960-002, Wyoming Valley Hydro Partners
CAH-5.
Project No. 5998-003, City of Emporia, Virginia
CAH-6.
Project No. 2832-013, New York Irrigation District, Nampa-Meridian Irrigation District, Boise-Kuna Irrigation District, Wilder Irrigation District and Big Bend Irrigation District
CAH-7.
Project No. 9085-007, Richard Balagar

Consent Agenda—Electric

CAE-1.
Docket Nos. ER92-180-000 and EL92-17-000, Detroit Edison Company
CAE-2.
Docket No. EL91-32-000, Power Authority of the State of New York v. Long Island Lighting Company
Docket No. EL91-34-000, Municipal Electric Utilities Association of New York State v. Long Island Lighting Company
Docket Nos. ER92-25-000, ER92-26-000 and ER92-31-000, Long Island Lighting Company
CAE-3.
Docket No. ER91-505-001, Pacific Gas and Electric Company
Docket No. EL92-2-000, City of Vernon, California v. Pacific Gas and Electric Company
Docket No. EL92-18-000, Pacific Gas and Electric Company
CAE-4.
Docket No. ER84-560-031, Union Electric Company
CAE-5.
Omitted
CAE-6.
Docket No. ER91-471-001, PacifiCorp Electric Operations
CAE-7.
Docket No. ID-2657-001, Paul L. Gioia
CAE-8.
Docket No. EL92-1-000, North Carolina Eastern Municipal Power Agency v. Carolina Power & Light Company
CAE-9.
Docket Nos. ER89-207-004 and EL91-45-000, Public Service Company of New Hampshire
CAE-10.
Docket Nos. ER88-630-007, ER89-582-003, ER90-525-005 and 006, New England Power Company

Consent Agenda—Oil and Gas

CAG-1.
Docket Nos. TA92-1-28-000, TM92-3-28-000, TQ92-2-28-000 and TA92-1-28-001, Panhandle Eastern Pipeline Company
CAG-2.
Docket Nos. TA92-2-20-000, 001, TM92-12-20-000 and RP92-92-000, Algonquin Gas Transmission Company
CAG-3.
Docket No. TM92-13-20-000, Algonquin Gas Transmission Company
CAG-4.
Docket No. TQ92-2-15-000, Mid Louisiana Gas Company
CAG-5.
Docket No. TQ92-6-25-000, Mississippi River Transmission Corporation
CAG-6.
Docket Nos. TQ92-7-25-000 and RP92-101-000, Mississippi River Transmission Corporation
CAG-7.
Docket No. RP92-44-000, Colorado Interstate Gas Company
CAG-8.
Docket Nos. TA92-1-16-000, 001 and TQ92-2-16-000, National Fuel Gas Supply Corporation
CAG-9.
Docket Nos. TA90-1-43-000, 001, 002 and TM90-7-43-000, Williams Natural Gas Company
CAG-10.
Docket No. 92-102-000, Kentucky West Virginia Gas Company
CAG-11.
Docket No. RP92-74-000, South Georgia Natural Gas Company
CAG-12.
Docket Nos. RP92-96-000 and 001, Colorado Interstate Gas Company
CAG-13.
Docket No. TM92-4-48-000, ANR Pipeline Company
CAG-14.
Docket No. RP92-82-000, Transcontinental Gas Pipe Line Corporation
CAG-15.
Docket No. RP92-94-000, Florida Gas Transmission Company
CAG-16.
Docket No. RP92-87-000, Williams Natural Gas Company
CAG-17.
Docket No. RP92-11-001, Southern Natural Gas Company
CAG-18.
Docket Nos. RP91-161-004 and 005, Columbia Gas Transportation Corporation
CAG-19.
Omitted
CAG-20.

Docket No. RP92-97-000, Tarpon Transmission Company
CAG-21.
Docket No. PR92-1-000, TEX/CON Gas Pipeline Company
CAG-22.
Docket No. RP92-48-001, Viking Gas Transmission Company
CAG-23.
Docket Nos. RP91-126-008, CP91-1669-004, CP91-1670-004, CP91-1671-004, CP91-1672-004, and CP91-1673-004, United Gas Pipe Line Company
CAG-24.
Docket No. RP92-51-001, Tennessee Gas Pipeline Company
CAG-25.
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Hydro Agenda

H-1.
Docket No. HB20-85-1-002, Louisville Gas and Electric Company. Order on rehearing.

Electric Agenda

E-1.
Docket No. ER91-569-000, Entergy Services, Inc. Order on rate filing.
E-2.
Docket No. ER91-313-000, Pennsylvania Electric Company. Order on rate filing.

Miscellaneous Agenda

M-1.
Docket No. PL92-1-000, Incentive Ratemaking for Interstate Natural Gas Pipelines and Electric Utilities. Policy statement on incentive regulation.

Oil and Gas Agenda

I. Pipeline Rate Matters

PR-1.
Omitted

II. Producer Matters

PF-1.
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III. Pipeline Certificate Matters

PC-1. (A)
Docket No. CP92-79-000, Northwest Pipeline Corporation
Docket No. G-17350-010, Pacific Gas Transmission Company. Order on application to approve sales conversion proposals.
PC-1. (B)
Docket No. CP91-2392-000, Northwest Pipeline Corporation
Docket No. CP91-2393-000, Williams Gas Processing Company. Application to transfer certain facilities to Williams Gas Processing Company
PC-1. (C)
Docket Nos. RP88-47-000, 002, 026, RP89-196-000, CP88-651-006, RP91-166-000 and RP92-110-000, Northwest Pipeline

Corporation. Order consolidating proceeding.

PC-1. (D)

Docket No. RP82-56-023, Northwest Pipeline Corporation. Order on remand.

PC-2.

Docket No. CP92-213-000, Energy Development Corporation v. CNG Transmission Corporation. Order on complaint.

PC-3.

Docket No. CP91-3231-000, Pacific Gas Transmission Company. Application to amend certificate to designate an additional receipt point for Northwest Pipeline Corporation.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4327 Filed 2-20-92; 5:00 pm]

BILLING CODE 6717-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 57 FR 6058 Wednesday, February 19, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time) Tuesday, March 3, 1992.

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, N.W., Washington, D.C. 20507.

CHANGE IN THE MEETING:

Open Session

The item listed below has been deleted from the agenda:

A Report on Commission Operations.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663-7100.

This Notice Issued February 20, 1992.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 92-4407 Filed 2-21-92; 1:43 am]

BILLING CODE 6750-06-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, March 2, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 21, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4412 Filed 2-21-92; 2:22 pm]

BILLING CODE 6210-01-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-92-05]

TIME AND DATE: March 11, 1992 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings.
2. Minutes.
3. Ratification List.
4. Petition and complaint.
5. Inv. 731-TA-545 (Preliminary) (Medium voltage underground distribution cable from Canada)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205-2000.

Dated: February 20, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92-4389 Filed 2-21-92; 1:41 pm]

BILLING CODE 7020-02-M

Corrections

Federal Register
Vol. 57, No. 37
Tuesday, February 25, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 101 and 201

[Docket No. RM92-1-000]

Revisions to Uniform Systems of Accounts To Account for Allowances Under the Clean Air Act Amendments of 1990 and Regulatory-Created Assets and Liabilities and to Form Nos. 1, 1-F, 2 and 2-A

Correction

In proposed rule document 91-29433 beginning on page 64567 in the issue of Wednesday, December 11, 1991, make the following correction:

1. On page 64572, in the third column, in the second full paragraph, in the last line, footnote reference 46 should appear after "transferred."; and remove the footnote reference 46 in the second line of the third full paragraph.

2. On the same page, in the same column, in the third full paragraph, the table should have appeared as a part of footnote 46. Footnote 46 is republished in its entirety.

[46] The following examples illustrate these principles, where Utility A exchanges allowances for a combination of allowances plus boot from Utility B:

	Utility A		Utility B
	"Old" allowances		"New" allowances
Fair Market Value (FMV) of Asset Surrendered	$500		$400
Boot Received by Utility A	100		.....
Inventory Cost of Utility A's "Old" Allowances	Case (1)	$0	
	Case (2)	250	
	Case (3)	500	

Formula 1:
Gain = Boot − [Boot/(Boot+FMV_{new})) * Inventory $Cost_{old}$]

Formula 2:
New Historical Inventory Cost = Inv. $Cost_{old}$ − (Boot − Gain)

Case (1) Gain = $\$100-\left(\frac{100}{100+400} * 0\right) = \$100$

New Historical Inventory Cost=$0

Case (2) Gain = $\$100-\left(\frac{100}{100+400} * 250\right) = \$50$

New Historical Inventory Cost=$200

Case (3) Gain = $\$100-\left(\frac{100}{100+400} * 500\right) = \$0$

New Historical Inventory Cost=$400

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-030-02-4212-13]

Amendement of Little Lost/Birch Creek Management Framework Plan (MFP), Realty Action (NORA), Exchange of Public Lands in Butte County, ID

Correction

In notice document 92-2894, beginning on page 4885, in the issue of Monday, February 10, 1992, make the following correction:

On page 4885, in the second column, in the land description, in the fourth line, "S¼SE¼." should read "S½SE¼.".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-240-AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes

Correction

In proposed rule document 92-1016, beginning on page 1693, in the issue of Wednesday, January 15, 1992, make the following correction:

§ 39.13 [Corrected]

On page 1694, in the second column, in § 39.13, in the eighth line, "Model 737" should read "Model 767".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent to Rule on Application To Impose a Passenger Facility Charge (PFC) at Tulsa International Airport, Tulsa, OK

Correction

In notice document 92-3548, beginning on page 5506, in the issue of Friday, February 14, 1992, make the following correction:

On page 5507, in the 1st column, under **SUPPLEMENTARY INFORMATION:**, in the 26th line, "$42,081.00." should read "$42,081,000.00.".

BILLING CODE 1505-01-D

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