2-27-92
Vol. 57 No. 39

federal register

Thursday
February 27, 1992

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

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SECOND CLASS NEWSPAPER

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

2-27-92
Vol. 57 No. 39
Pages 6663-6788

federal register

Thursday
February 27, 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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For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 57, No. 39
Thursday, February 27, 1992

Agriculture Department
See Cooperative State Research Service
See Forest Service
NOTICES
Meetings:
Human Nutrition Board of Scientific Counselors, 6701

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
Massachusetts Allergy Society, Inc., et al., 6741

Arctic Research Commission
NOTICES
Meetings, 6702

Army Department
RULES
Procurement:
General provisions; CFR Part removed, 6676
NOTICES
Meetings:
Science Board, 6715

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Wyoming, 6703

Coast Guard
RULES
Drawbridge operations:
North Carolina, 6677

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commission of Fine Arts
NOTICES
Meetings, 6714

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
New York Cotton Exchange—
Cotton No. 2 straddles, 6714

Cooperative State Research Service
NOTICES
Meetings:
Committee of Nine, 6701

Defense Department
See Army Department

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
College library technology and cooperation program—
Biotechnology education information demonstration project; correction, 6784
Meetings:
Postsecondary Education Improvement Fund National Board, 6715

Energy Department
See Energy Information Administration
See Federal Energy Regulatory Commission

Energy Information Administration
NOTICES
Agency information collection activities under OMB review, 6715

Environmental Protection Agency
NOTICES
Agency information collection activities under OMB review, 6718
Air quality; prevention of significant deterioration (PSD):
Permit determinations, etc.:
Region III, 6719
Meetings:
Assistant Administrator for Water Management Advisory Group, 6721
Environmental Policy and Technology National Advisory Council, 6719, 6720
Ozone Transport Commission, 6720
Superfund; response and remedial actions, proposed settlements, etc.:
Superior Electro Finishes Site, NC, 6720
Toxic and hazardous substances control:
Confidential business information and data transfer to contractors, 6721
Premanufacture exemption approvals, 6722

Executive Office of the President
See Management and Budget Office
See Presidential Documents
See Science and Technology Policy Office

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 6665
PROPOSED RULES
Airworthiness directives:
Garrett, 6690
NOTICES
Advisory circulars; availability, etc.:
Aircraft—
Suspected unapproved parts, detecting and reporting, 6763
Meetings:
Aviation Security Advisory Committee, 6764

Federal Communications Commission
RULES
Radio stations; table of assignments:
Florida, 6687
PROPOSED RULES
Frequency allocations and radio treaty matters:
Pioneers preference for low-earth orbit satellites below 1 GHz., 6695
NOTICES
Meetings; Sunshine Act, 6781
Public safety radio communications plans:
Ohio, 6722

Federal Election Commission
RULES
Presidential primary candidates; matching fund submission and certification procedures; correction, 6665
NOTICES
Meetings; Sunshine Act, 6781

Federal Energy Regulatory Commission
NOTICES
Meetings; Sunshine Act, 6781
Applications, hearings, determinations, etc.:
Arkla Energy Resources, 6716
Kern River Gas Transmission Co., 6716
Midwestern Gas Transmission Co., 6717
Tennessee Gas Pipeline Co., 6717
Viking Gas Transmission Co., 6717

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Cordova, AK, 6764
Roanoke, VA, 6765

Federal Maritime Commission
NOTICES
Agreements filed, etc., 6723
Complaints filed, etc.:
Western Overseas Trade & Development Corp. et al., 6723
Freight forwarder licenses:
Kan-Mar Corp. et al., 6723
Organization, functions, and authority delegations:
Tariffs, Certification, and Licensing Bureau, Director, 6724

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 6781

Federal Transit Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Advanced transportation systems and electric vehicles research and development, 6765

Fine Arts Commission
See Commission of Fine Arts

Food and Drug Administration
RULES
Food for human consumption:
Acesulfame potassium, 6667
PROPOSED RULES
Medical devices:
Needle-bearing devices; safety standards
Correction, 6784
NOTICES
Biological products:
Export applications—
Recombigen HIV-1/HIV-2 EIA Test Kit, 6724
Medical devices; premarket approvals:
Chiroflex II Models 32-C20SX/XX, 32-C21SX/XX, 32-C22SX/XX, 32-C23SX/XX and 32-C24SX/XX Silicone Posterior Chamber Intraocular Lenses; correction, 6784

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Louisiana—
Trinity Marine Group, Inc.; shipbuilding facility, 6703

Forest Service
NOTICES
Environmental statements; availability, etc.:
Routt National Forest, CO, 6701
Tahoe National Forest, CA, 6702

General Services Administration
RULES
Federal travel:
Per diem localities; maximum lodging allowances, 6678

Health and Human Services Department
See Food and Drug Administration
See Health Resources and Services Administration
See Public Health Service

Health Resources and Services Administration
See Public Health Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Acquired Immune Deficiency Syndrome (AIDS)—
Early intervention services; preapplication technical assistance meeting, 6724
Pediatric Acquired Immune Deficiency Syndrome (AIDS)—
Early intervention services; preapplication technical assistance meeting, 6725
Rural health outreach demonstration program, 6725
State offices of rural health program, 6730

Housing and Urban Development Department
RULES
Public and Indian housing:
Public housing management assessment program; OMB approval number, 6676
NOTICES
Grant and cooperative agreement awards:
Community development block grant program—
HUD-administered small cities program, 6732

Interior Department
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office
NOTICES
Meetings:
Take Pride in America Advisory Board, 6734

International Trade Administration
NOTICES
Antidumping:
Aspheric opthalmoscopy lenses from Japan, 6703
Gray portland cement and clinker from—
Venezuela, 6706

Iron construction castings from China, 6709
Low-fuming brazing copper wire and rod from South Africa, 6710
Medium voltage underground distribution cable from Canada, 6710
Export trade certificates of review, 6711, 6712
Applications, hearings, determinations, etc.:
Scripps Clinic and Research Foundation et al., 6712

International Trade Commission
NOTICES
Import investigations:
Single in-line memory modules and products containing same, 6738

Interstate Commerce Commission
PROPOSED RULES
Rulemaking petitions, etc.:
Railroad car hire compensation and arbitration rule, 6697
NOTICES
Railroad operation, acquisition, construction, etc.:
Lake State Railway Co., 6739, 6740
Railroad services abandonment:
Central Vermont Railway, Inc., 6740

Justice Department
See Antitrust Division
PROPOSED RULES
Criminal intelligence systems operating policies; revisions, 6691

Land Management Bureau
NOTICES
Oil and gas leases:
Colorado, 6735
Organization, functions, and authority delegations:
New Mexico and Oklahoma District Managers; solid minerals and geothermal casework, 6735
Realty actions; sales, leases, etc.:
Arizona, 6735
Survey plat filings:
Idaho, 6736
Withdrawal and reservation of lands:
California, 6736

Management and Budget Office
NOTICES
Improving management and use of government aircraft (Circular A-126), 6750

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Media Arts Advisory Panel, 6745
Theater Advisory Panel, 6745, 6746

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.
Uniroyal Goodrich Tire Co., 6766

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Bering Sea and Aleutian Islands groundfish, 6688
Gulf of Alaska groundfish, 6688
PROPOSED RULES
Fishery conservation and management:
Atlantic mackerel, squid, and butterfish, 6699
NOTICES
Meetings:
Oceanic and Atmospheric Management Advisory Committee, 6713
Pacific Fishery Management Council, 6713
Western Pacific Fishery Management Council, 6714

National Park Service
NOTICES
Meetings:
Chesapeake and Ohio Canal National Historical Park Commission, 6737
Trail of Tears National Historic Trail Advisory Council, 6737

National Science Foundation
NOTICES
Meetings:
Computer and Computation Research Special Emphasis Panel, 6746
Materials Research Special Emphasis Panel, 6746
Microelectronic Information Processing Systems Special Emphasis Panel, 6746

National Transportation Safety Board
NOTICES
Meetings; Sunshine Act, 6781

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Illinois Power Co. et al., 6747
Meetings:
Reactor Safeguards Advisory Committee, 6747
Meetings; Sunshine Act, 6782
Petitions; Director's decisions:
Florida Power & Light Co., 6748
Reports availability, etc.:
Radionuclide release characteristics into containment under severe accident condition, estimate, 6748
Shutdown and low-power operation at U.S. nuclear power plants, 6748
Applications, hearings, determinations, etc.:
Tennessee Valley Authority, 6748

Office of Management and Budget
See Management and Budget Office

Postal Service
NOTICES
Meetings; Sunshine Act, 6782

Presidential Documents
PROCLAMATIONS
Special observances:
Save Your Vision Week (Proc. 6405), 6787
ADMINISTRATIVE ORDERS
Conventional Forces in Europe Treaty Implementation Act; authority delegation (Memorandum of February 13, 1992), 6663

Public Health Service
See Food and Drug Administration
See Health Resources and Services Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
Scientific Integrity Advisory Committee, 6730

Meetings:
Scientific Integrity Advisory Committee, 6731

Research and Special Programs Administration
PROPOSED RULES
Hazardous materials:
Hazardous materials transportation—
Marine pollutants, 6696
NOTICES
Hazardous materials:
Applications; exemptions, renewals, etc., 6767

Science and Technology Policy Office
NOTICES
Biotechnology products, planned introductions into environment; Federal oversight within statutory authority; policy, 6753
Meetings:
President's Council of Advisors on Science and Technology, 6762

State Department
NOTICES
Passport travel restrictions, U.S.:
Iraq and Kuwait, 6762

Surface Mining Reclamation and Enforcement Office
NOTICES
Environmental statements; availability, etc.:
Surface Mining Control and Reclamation Act; State and tribal reclamation program grants, 6737

Thrift Depositor Protection Oversight Board
NOTICES
Meetings:
National Advisory Board, 6762
National Housing Advisory Board, 6763

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration

Treasury Department
NOTICES
Bonds, Treasury:
November 2021, 6768
Notes, Treasury:
N-1995 series, 6771
November 2001, 6773

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Private non-profit organizations in support of international educational and cultural activities; location change, 6776
Public and private non-profit organizations in support of international educational and cultural activities, 6777

Veterans Affairs Department
NOTICES
Agency information collection activities under OMB review, 6778, 6779

Separate Parts In This Issue

Part II
The President, 6787

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
6405 6787
Administrative Orders:
Memorandums:
February 13, 1992 6663

11 CFR
9034 6665
9036 6665
9037 6665

14 CFR
39 6665
Proposed Rules:
39 6690

21 CFR
172 6667
Proposed Rules:
Ch. I 6784

24 CFR
901 6676

28 CFR
Proposed Rules:
23 6691

32 CFR
591 6676

33 CFR
117 6677

41 CFR
Ch. 301 6678
301-7 6678

47 CFR
73 6687
Proposed Rules:
2 6695

49 CFR
Proposed Rules:
171 6696
172 6696
173 6696
174 6696
176 6696
1033 6697
1039 6697

50 CFR
672 6688
675 6688
Proposed Rules:
655 6699

Federal Register
Vol. 57, No. 39
Thursday, February 27, 1992

Presidential Documents

Title 3—

The President

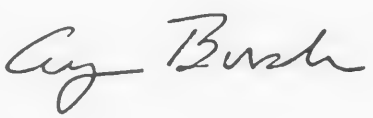
Memorandum of February 13, 1992

Delegation of Authority With Respect to the Conventional Forces in Europe Treaty Implementation Act

Memorandum for the Secretary of State and the Secretary of Defense

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of Defense the functions vested in me by section 93(a) and section 94 of the Arms Export Control Act, as amended (the "Act"), and to the Secretary of State the functions vested in me by section 93(f) of the Act. Consistent with section 2 of the Act, transfers of defense articles under section 93(a) shall be subject to the policy direction of the Secretary of State, including the determination of whether such transfers shall occur.

The Secretary of State is authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, February 13, 1992.

[FR Doc. 92-4679
Filed 2-25-92; 3:23 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 57, No. 39
Thursday, February 27, 1992

FEDERAL ELECTION COMMISSION

11 CFR Parts 9034, 9036, and 9037

[Notice 1992-3]

Matching Fund Submission and Certification Procedures for Presidential Primary Candidates

AGENCY: Federal Election Commission.

ACTION: Final rule: Correction to announcement of effective date.

SUMMARY: This document corrects the effective date for the final rules setting forth procedures for matching fund submissions by Presidential primary candidates at 11 CFR 9034.1, 9034.5, 9036.2, 9036.4, 9036.5, 9036.6, 9037.1 and 9037.2. The announcement of effective date was published Wednesday, November 6, 1991 at 56 FR 56570. These regulations implement portions of the Presidential Primary Matching Payment Account Act. 26 U.S.C. Chapter 96. The Commission announces that these rules are effective as of November 7, 1991.

EFFECTIVE DATE: November 7, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 219-3690 or toll free (800) 424-9530.

SUPPLEMENTARY INFORMATION: A correction to the effective date for the matching fund submission regulations is being made to ensure that these rules will appear in the 1992 Code of Federal Regulations. Accordingly, the publication on November 6, 1991 of the Announcement of Effective Date, which was the subject of FR Doc. 91-26755 is corrected as follows:

1. On page 56570, in the third column, under **SUMMARY:** in the last two lines of the paragraph, "November 6, 1991" is corrected to read "November 7, 1991".

2. On page 56570, in the third column, under **EFFECTIVE DATE:** "November 6, 1991" is corrected to read "November 7, 1991".

3. On page 56571, in the first column, under "Announcement of Effective Date", line 5, "November 6, 1991." is corrected to read "November 7, 1991."

Dated: February 21, 1992.

Scott E. Thomas,

Vice Chairman, Federal Election Commission.

[FR Doc. 92-4435 Filed 2-26-92; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-15-AD; Amendment 39-8180; AD 92-05-01]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which currently requires repetitive inspections of the engine number two and engine number three upper strut wing leading edge compartments to detect chafing of the fuel supply tube and the electrical power feeder cables; repetitive inspections of the strut drains to verify that the drains are not obstructed; corrective action, if necessary; and a submission of a report of inspection findings. The amendment changes the applicability to delete Model 747-200 and 747-300 series airplanes, and to include additional Model 747-400 series airplanes. This amendment also deletes the requirement for inspections of the strut drains, deletes the required reporting of inspection findings, and adds an optional terminating modification. This amendment is prompted by the results of inspections required by the existing AD and the development of a modification that eliminates the need for the required inspections. The actions specified in this AD are intended to prevent fire in the number two and three enging struts.

DATES: Effective March 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 13, 1992.

Comments for inclusion in the Rules Docket must be received on or before April 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-15-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Regimbal, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2687. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: On January 3, 1992, the FAA issued AD 91-20-51, Amendment 39-8152 (57 FR 3928, February 3, 1992) to require repetitive inspections for damage of and adequate clearance between engine fuel supply tubes and power feeder cables in the number two and three engine struts, and to require repetitive inspections of the strut drains to verify that the drains are not obstructed. That action was prompted by a fire that occurred in the number two engine strut on a Boeing Model 747-400 series airplane. Although the investigation is continuing, the fire appeared to have been caused by electrical arcing between the engine number one electrical power feeder cable and the engine number two fuel feed line in the upper strut wing leading edge compartment of engine strut number two. Arcing could result from chafing or other damage to the electrical power feeder cables. Arcing in this location can create a hole in the fuel tube and provide a simultaneous ignition source. This condition, if not

corrected, could result in a fire within the engine strut.

Since issuance of that AD, the FAA has received new data that indicate certain changes to the applicability and requirements of the existing rule are necessary:

The results of the inspections required by AD 91–20–51 have revealed that no chafing/clearance problems have occurred on any Model 747–200 or Model 747–300 series airplanes. The FAA has reconsidered the applicability of the existing rule with respect to these airplanes and, due to certain design differences of the subject area, has determined that the addressed unsafe condition does not exist with respect to these series airplanes. The applicability of the rule has been revised to delete these airplane series.

Even though provisions were made during the production of later airplanes in the Model 747–400 series to increase the clearance between engine fuel supply line and electrical power feeder cable, some operators have reported that the clearance on these planes has been found to be less than that required by AD 91–20–51. In light of this, and the fact that the later-produced Model 747–400 series airplanes are similar in design to the earlier-produced airplanes, the FAA has determined that the potential unsafe condition exists with respect to these airplanes. The applicability of the rule, therefore, has been expanded to include these later Model 747–400 series airplanes.

An inspection of the engine strut number two on the incident airplane after the strut fire, revealed that the flammable fluid drains in the strut were blocked. The blockage could allow fuel to collect within the strut and increase the fire risk. For this reason, AD 91–20–51 required repetitive inspections of the strut drains for blockage. However, further investigation by the operator and the manufacturer has revealed that the drain on the subject airplane actually was blocked by fire debris; the drains were not blocked prior to the fire. Based on this information, the FAA has determined that repetitive inspections of the strut drains, as required by AD 91–20–51, are no longer necessary. This final rule has deleted that requirement.

Reports obtained from operators, in response to the requirement in AD 91–20–51, have supplied the FAA with sufficient data to determine how widespread the identified problems are with respect to the Model 747 fleet. The FAA, therefore, has determined that the continuing submission of such reports is no longer necessary; accordingly, the requirement for such reporting has been deleted from this final rule.

The FAA has recently reviewed and approved Boeing Alert Service Bulletin 747–24A2168, Revision 1, dated December 5, 1991, which describes procedures for inspection of the clearance between the power feeder cables and fuel tube. The service bulletin also describes procedures for a modification of the engine number two and engine number three upper strut wing leading edge compartments, consisting of the installation of a new cable support bracket. Once this modification is installed, repetitive inspections for clearance between the cables are no longer necessary. Additionally, the effectivity of the service bulletin has been revised to include additional Model 747–400 series airplanes.

The FAA has included the installation of the modification, described in the revised Boeing service bulletin, as an optional terminating action for the repetitive inspections required by this rule. This is considered interim action. The FAA intends to revise this rule to require modification of the electrical power feeder cable installation in engine struts two and three. However, the proposed compliance time for installation of the modification is sufficiently long so that notice and opportunity for prior public comment would not be impracticable.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–15–AD." The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—[AIRWORTHINESS DIRECTIVES]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8152 (57 FR 3928, February 3, 1992), and by adding an airworthiness directive (AD), amendment 39–8180, to read as follows:

92–05–01. Boeing: Amendment 39–8180. Docket 92–NM–15–AD. Supersedes AD 91–20–51, Amendment 39–8152.

Applicability: Model 747–400 series airplanes, line numbers 696 to 843, 845 to 850, 852 to 870, 872 to 875, 877, 880 to 884 and 887; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fire within the engine strut, accomplish the following:

(a) For airplanes having line numbers 696 through 734, inclusive: Within 10 days after February 18, 1992 (the effective date of AD 91–20–51, Amendment 39–8152), inspect the electrical power feeder cables and the engine fuel supply tube in engine struts two and three for damage or chafing and minimum clearance of 0.375 inch, in accordance with Boeing Alert Service Bulletin 747–24A2168, dated September 24, 1991, or Revision 1, dated December 5, 1991. If damage is found or if clearance is not within the specified limits, prior to further flight, repair any damage in accordance with that service bulletin, and relocate the electrical power feeder cables so that the clearance is more than 0.375 inch. Repeat this inspection at the following intervals:

(1) If the clearance is less than 0.75 inch, repeat this inspection at the intervals not to exceed 500 flight hours.

(2) If the clearance is 0.75 inch or greater, repeat the inspection at intervals not to exceed 1,000 flight hours.

(b) For airplanes having line numbers 735 to 843, 845 to 850, 852 to 870, 872 to 875, 877, 880 to 884, and 887: Within 30 days after the effective date of this AD, inspect the electrical power feeder cables and engine fuel supply tube in engine strut number three for damage or chafing and minimum clearance of 0.375 inch, in accordance with Boeing Alert Service Bulletin 747–24A2168, Revision 1, dated December 5, 1991. If damage is detected or if clearance is not greater than the specified limits, prior to further flight, repair any damage in accordance with that service bulletin, and relocate the electrical power feeder cables so that the clearance is more than 0.375 inch. Repeat this inspection at the following intervals:

(1) If the clearance is less than 0.75 inch, repeat the inspection at intervals not to exceed 500 flight hours.

(2) If the clearance is 0.75 inch or greater, repeat the inspection at intervals not to exceed 1,000 flight hours.

(c) Modification of the electrical power feeder cable installation in engine struts two and three, in accordance with Boeing Alert Service Bulletin 747–24A2168, Revision 1, dated December 5, 1991, constitutes terminating action for the inspections required by paragraphs (a) and (b) of this AD.

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

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

(f) The inspection and modification required by this AD shall be done in accordance with Boeing Alert Service Bulletin 747–24A2168, Revision 1, dated December 5, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(g) This amendment (39–8180), AD 92–05–01, becomes effective March 13, 1992.

Issued in Renton, Washington, on February 11, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–4463 Filed 2–26–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 82F–0295]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; denial of requests for a stay of effective date and for a hearing; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is denying the request for a stay of the effective date of the amendment to the food additive regulations that provides for the safe use of acesulfame potassium as a nonnutritive sweetener in some foods. This request asked that the final rule be stayed until the issues raised in the objectives are resolved in a hearing. FDA is also denying the request for a hearing on the objections to this final rule. After reviewing the objections to the amendment and the request for a hearing, the agency has concluded that the objections do not raise issues of material fact that justify granting a hearing or revoking the regulation.

EFFECTIVE DATE: This document confirms July 28, 1988, as the effective date.

FOR FURTHER INFORMATION CONTACT: Laura M. Tarantino, Center for Food Safety and Applied Nutrition (HFF–333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9523.

SUPPLEMENTARY INFORMATION:

I. Introduction

In the Federal Register of July 28, 1988 (53 FR 28379), FDA issued a final rule permitting the use of acesulfame potassium as a nonnutritive sweetener. This regulation allows use of the additive as a table-top sweetener and as an ingredient in chewing gum, and in dry bases for beverages, instant coffee and tea, gelatins, puddings, pudding desserts, and dairy product analogs. This regulation, codified at § 172.800 (21 CFR 172.800), was issued in response to a food additive petition filed by American Hoechst Corp. (now Hoechst Celanese Corp.). Acesulfame potassium is the potassium salt of 6-methyl-1,2,3-oxathiazine-4(3*H*)-one-2,2-dioxide.

In the preamble to the final rule, FDA outlined major portions of its review of the petition and responded to safety questions raised in a letter dated September 23, 1987, to the agency from the Center for Science in the Public Interest (CSPI). These questions related to two long-term rat studies and a short-term study in rats made diabetic by treatment with streptozotocin. CSPI had examined the reports of these studies under the provisions of the Freedom of Information Act before writing its letter. After publication of the final rule, CSPI had an opportunity to review the reports on all major studies, as well as the FDA memoranda reviewing those studies.

II. Objections, Request for a Hearing, and Request for a Stay

Following publication of the final rule, CSPI filed timely objections (CSPI Obj.) to the regulation and requested a formal evidentiary public hearing on the issues raised in its objections. The objections sought revocation of the final rule on acesulfame potassium. CSPI also requested that the regulation be stayed

until these issues are resolved in a hearing.

III. Standards for Granting a Hearing and a Stay

Under section 409(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(e)), a request for a hearing on the issuance of a food additive regulation does not automatically stay or delay the effectiveness of that regulation. That section does, however, grant the Secretary of Health and Human Services the discretion to stay the effectiveness of the regulation (21 U.S.C. 348(e)). The Secretary's authority has been delegated to the Commissioner of Food and Drugs (21 CFR 5.10). In its stay request, CSPI argues that it has justified a discretionary stay of the food additive regulation for acesulfame potassium and requests a stay until a hearing is held to resolve the objections.

Section 409(f) of the act (21 U.S.C. 348(f)) provides that any person adversely affected by a final food additive regulation may file objections, specifying with particularity the provisions of the order "deemed objectionable, stating reasonable grounds therefor," and may request a public hearing based upon such objections. FDA may deny a hearing request if the objections to the regulation do not raise genuine and substantial issues of fact that can be resolved at a hearing. Specific criteria for determining whether a hearing has been justified are set forth in § 12.24(b) (21 CFR 12.24(b)). A hearing will be granted if the material submitted shows the following:

(1) There is a genuine and substantial issue of fact for resolution at a hearing. A hearing will not be granted on issues of policy or law.

(2) The factual issue can be resolved by available and specifically identified reliable evidence. A hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions.

(3) The data and information submitted, if established at a hearing, would be adequate to justify resolution of the factual issue in the way sought by the person. A hearing will be denied if the Commissioner concludes that the data and information submitted are insufficient to justify the factual determination urged, even if accurate.

(4) Resolution of the factual issue in the way sought by the person is adequate to justify the action requested. A hearing will not be granted on factual issues that are not determinative with respect to the action requested, e.g., if the Commissioner concludes that the action would be the same even if the factual issue were resolved in the way sought * * *.

A party seeking a hearing is required to meet a "threshold burden of tendering evidence suggesting the need for a hearing." *Costle* v. *Pacific Legal Foundation*, 445 U.S. 198, 214–215 (1980) *reh. den.*, 445 U.S. 947 (1980), citing *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 620–621 (1973). An allegation that a hearing is necessary to "sharpen the issues" or to "fully develop the facts" does not meet this test. *Georgia Pacific Corp.* v. *U.S. E.P.A.*, 671 F.2d 1235, 1241 (9th Cir. 1982). If a hearing request fails to identify any factual evidence that would be the subject of a hearing, there is no point in holding one. In judicial proceedings, a court is authorized to issue summary judgment without an evidentiary hearing whenever it finds that there are no genuine issues of material fact in dispute and a party is entitled to judgment as a matter of law. (See Rule 56, Federal Rules of Civil Procedure.) The same principle applies in administrative proceedings.

A hearing request must not only contain evidence, but that evidence should raise a material issue of fact concerning which a meaningful hearing might be held. *Pineapple Growers Association* v. *FDA*, 673 F.2d 1083, 1085 (9th Cir. 1982). Where the issues raised in the objection are, even if true, legally insufficient to alter the decision, the agency need not grant a hearing. *Dyestuffs and Chemicals, Inc.* v. *Flemming*, 271 F.2d 281 (8th Cir. 1959), *cert. denied*, 362 U.S. 911 (1960). FDA need not grant a hearing in each case where an objector submits additional information or posits a novel interpretation of existing information. (See *United States* v. *Consolidated Mines & Smelting Co.*, 455 F.2d 432 (9th Cir. 1971).) In other words, a hearing is justified only if the objections are made in good faith and if they "draw in question in a material way the underpinnings of the regulation at issue." *Pactra Industries* v. *CPSC*, 555 F.2d 677 (9th Cir. 1977). Finally, courts have uniformly recognized that a hearing need not be held to resolve questions of law or policy. (See *Citizens for Allegan County, Inc.* v. *FPC*, 414 F.2d 1125 (D.C. Cir. 1969); *Sun Oil Co.* v. *FPC*, 256 F.2d 233, 240 (5th Cir.), *cert. denied*, 358 U.S. 872 (1958).)

In summary, a hearing request should present sufficient credible evidence to raise a material issue of fact and the evidence must be adequate to resolve the issue as requested and to justify the action requested.

IV. Resolution of CSPI's Stay Request

The agency is responding to CSPI's objections in this document. Because FDA has determined, as set forth below, that a hearing need not be held, the question of a stay pending a hearing is moot.

V. Analysis of Objections and Response to Hearing Requests

CSPI raised four specific objections to the agency's final rule for acesulfame potassium, and requested a hearing on specific factual issues raised by each objection. In particular, CSPI filed objections to agency conclusions drawn from each of the three long-term safety studies of acesulfame potassium conducted in rodents.[1] In the preamble to the final rule (53 FR 28379, July 28, 1988), the agency addressed a number of the issues raised in these objections in responding to CSPI's letter of September 23, 1987. Below FDA addresses each of the four objections, as well as the data and information filed in support of each, comparing each to the standards for granting a hearing in § 12.24.

In addition to its four objections, CSPI observed that the chronic studies submitted to establish the safety of acesulfame potassium were performed over a decade ago, when approval of the sweetener was sought in Europe, and asserted "Test standards in these countries may not measure up to FDA standards." CSPI did not identify any specific evidence to support its assertion, nor did CSPI request a hearing on this point.

The agency has never condemned a laboratory solely on the basis of its location, and, in fact, has accepted many satisfactory studies from a variety of European laboratories in support of several food additives. Also, the agency has inspected many European laboratories under its good laboratory practice regulations without finding any difference in overall quality between these laboratories and laboratories in the United States. The agency reached its decision on the safety of acesulfame potassium only after concluding that the available studies were satisfactory to establish safety. CSPI has not presented any specific evidence to challenge that conclusion.

A. Adequacy of the Second Long-Term Rat Study

In concluding that acesulfame potassium had been shown to be safe,

[1] Among the studies submitted by the petitioner in support of the safety of acesulfame potassium were three long-term (chronic) toxicity and carcinogenicity studies performed in rodents: (1) a study in Swiss mice; (2) a study in CIVO-bred Wistar rats (hereinafter referred to as the "first" rat study); and (3) a study in CPB–WU Wistar rats (hereinafter referred to as the "second" rat study). The agency discussed its evaluation of these studies in the preamble to the acesulfame potassium final rule (53 FR 28379, July 28, 1988).

FDA reviewed a long-term study conducted in CPB–WU Wistar rats (the "second rat study"). In the preamble to the final rule, the agency concluded that this study was adequate for the evaluation of a food additive and that it demonstrated the safety of acesulfame potassium. (See 53 FR 28379, 28380, and Ref. 1.) Implicit in FDA's determination of the second rat study's adequacy was that the dosing levels in this study were appropriate.

In its first objection, CSPI contends that the dosing levels in the second rat study were not high enough. (See CSPI Obj., p. 2.) In particular, CSPI asserts that the highest dose in this study (3 percent acesulfame potassium in the diet) did not reach the maximum tolerated dose (MTD). The MTD is the dose in a chronic study that elicits signs of minimal toxicity without substantially altering the normal lifespan of the test species due to effects other than tumors.) CSPI claims that doses for this study were selected on the basis of a subchronic study in rats which showed no toxicity at 3 percent and minimal effects but no distinct toxicity at 10 percent test compound in the diet. Based upon the results of the subchronic study, CSPI claims that the MTD of acesulfame potassium is 10 percent and that the highest level of acesulfame potassium used in the long-term study (3 percent) is less than the MTD. (See CSPI Obj., pp. 2 and 3.)

To support its objection, CSPI cities FDA's "Toxicological Principles for the Safety Assessment of Direct Food Additives and Color Additives Used in Food" (the FDA Redbook); an excerpt from a publication of the International Agency for Research on Cancer (IARC), "Long-Term and Short-Term Assays for Carcinogens: A Critical Appraisal" (the IARC Report); an FDA memorandum dated March 26, 1987; and data from the sub-chronic and second long-term studies in rats, which data were not specifically identified. (See CSPI Obj., pp. 4 and 5.)

CSPI's objection to the adequacy of dosing in the second rat study raises two separate questions: (1) Was the study required to use the MTD? (2) Was the study's 3 percent dose level sufficiently high for a proper assessment of the carcinogenic potential of acesulfame potassium?

As discussed in detail below, FDA is denying CSPI's request for a hearing on its first objection because the data and information identified by CSPI in support of this objection, even if established at a hearing, would not be adequate to justify resolution in CSPI's favor of the factual question about adequacy of dosing. (See § 12.24(b)(3).)

In particular, FDA is denying CSPI's first objection to the extent that it asserts that use of the MTD in a chronic study is required. The principal information cited by CSPI to support its contention that use of the MTD is required is the FDA Redbook (Ref. 2). (See CSPI Obj., p. 3) However, use of the MTD is not required by the FDA Redbook or any agency regulation.

The FDA Redbook contains general principles that serve as guidance for assessing the safety of direct food additives and color additives used in food; these principles are to be applied using good scientific judgment. The FDA Redbook represents the agency's best advice to manufacturers of food and color additives on how to satisfy that act's safety standard of "reasonable certainty * * * that a substance is not harmful." (See 21 CFR 170.3(i).) These general guiding principles are not binding requirements for manufacturers or for the agency.[2] Indeed, in a recent decision on FD&C Blue No. 2, the appellate court held that the criteria in the FDA Redbook are not binding and that deference to agency expertise is especially appropriate with respect to the selection of the MTD. (See *Simpson* v. *Young*, 854 F. 2d 1429, 1434–35 (D.C. Cir. 1988).)

None of the remaining data and information cited by CSPI, even if established at a hearing, would support a conclusion that use of the MTD is mandatory in a chronic study. In particular, the excerpt from the IARC report cited by CSPI discusses the consequence of selecting too low a dose for a chronic study; the report does not establish a requirement that the MTD be used (Ref. 3, p. 34). (See CSPI Obj., p. 4, 4. 11.) Likewise, the FDA memorandum dated March 26, 1987, discussed the apparent no-effect level for acesulfame potassium of 3 percent; it did not address the use of the MTD generally or discuss specifically the MTD for the second rat study. (See CSPI Obj., p. 4.) Finally, CSPI did not identify the data from the second rat study and the subchronic study on which they were relying; these data, however, even if identified, could not themselves answer the question of whether the MTD must be achieved in order for a chronic study to be valid.

FDA is also denying CSPI's request for a hearing on its first objection to the extent that the objection asserts that testing at the 3 percent dose level was not sufficiently high for a proper assessment of the carcinogenicity of acesulfame potassium. The sole basis for CSPI's objection to the dosing in this study is its claim that the MTD was not achieved. (See CSPI Obj., pp. 2 and 3.) As shown above, CSPI has provided no data or information establishing that the MTD must be reached in order for a chronic study to be valid. Thus, the data and other information cited by CSPI do not justify a conclusion that the dosing in the second rat study was not sufficiently high. (See § 12.24(b)(3).)

Finally, CSPI asserts that the FDA Redbook requires two rodent studies to establish the safety of a food additive such as acesulfame. (See CSPI Obj., p. 5.) CSPI further asserts that if the second rat study is determined to be inadequate, there will no longer be two rodent studies to support the safety of acesulfame potassium. Again, the data and information identified by CSPI, even if established at a hearing, would not be adequate to justify resolution of this issue in CSPI's favor. (See 21 CFR 12.24(b)(3).) The only information cited to establish that two rodent studies are required for approval is the FDA Redbook. (See CSPI Obj., p. 5.) As previously noted, the FDA Redbook does not establish binding requirements; instead, the FDA Redbook provides guidance to those conducting studies to assess the safety of direct food additives such as acesulfame potassium. Because the information cited is not sufficient to establish CSPI's factual assertion, a hearing need not be granted on this issue. (See § 12.24(b)(3).)

B. Adequacy of the Chronic Mouse Study

FDA relied upon the chronic mouse study of acesulfame potassium when it concluded that this sweetner had been shown to be safe. By relying on this study, FDA implicitly concluded that this study was adequate to assess the carcinogenicity of acesulfame potassium in that the study's dosing was adequate. (See 53 FR 28379, 28380, July 28, 1988 and Ref. 1.) In addition, in the final rule for acesulfame potassium, FDA explicitly addressed the adequacy of the length of the chronic mouse study. (See 53 FR 28379, 28380, July 28, 1988.) In particular, with respect to study duration, FDA considered the length of the mouse study and concluded that it was adequate because it had been conducted for the majority of the animals' lifespan (Ref. 1).[3]

[2] The principles set out in the FDA Redbook were not promulgated by notice and comment rulemaking and do not have the force and effect of law.

[3] The Agency found that at the time the study was conducted (mid 1970's), survival of the Swiss strain of mice tended to decline severely between 18 and 24 months of age. Accordingly, even if the mouse study had not been terminated when it was

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CSPI's second objection asserts that, for two reasons, the chronic mouse study is not adequate to demonstrate that acesulfame potassium does not cause cancer in mice. First, CSPI asserts that doses in this study were not properly determined. (See CSPI Obj., p. 6.) Specifically, CSPI claims that, because there was no subchronic study in mice to determine the MTD, there is no assurance that the highest dose used (3 percent) was sufficient to assess whether acesulfame potassium causes cancer in mice. (See CSPI Obj., p. 7.) CSPI further asserts that, because FDA identified 3 percent as a no-effect level, this study did not meet FDA's own standards for long-term studies. (See CSPI Obj., p. 7.)

Secondly, CSPI claims that the mouse study was of insufficient duration in that this study lasted only 80 weeks and that FDA's Redbook requires chronic studies in rodents to be at least 104 weeks in duration. (See CSPI Obj., p. 7.) Accordingly, CSPI asserts that the mouse study was of insufficient duration to demonstrate that acesulfame potassium does not cause cancer.

In support of its second objection, CSPI identified the following data and information: the FDA Redbook; an excerpt from a publication of the National Toxicology Program, "Report of the National Toxicology Program Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation" (the NTP Report); the IARC Report; and FDA memoranda dated March 26, 1987 and September 16, 1987. (See CSPI Obj., pp. 8 and 9.)

FDA is denying CSPI's request for a hearing on the adequacy of the chronic mouse study because the data and information identified by CSPI in support of its second objection, even if established at a hearing, would not be sufficient to justify resolution of the factual question in CSPI's favor. (See § 12.24(b)(3).)

First, FDA is denying CSPI's request for a hearing on this objection to the extent that it is based upon the mouse study's alleged failure to achieve the MTD. As with its first objection, CSPI relies principally upon the FDA Redbook to establish that the use of the MTD is required. (See CSPI Obj., p. 8.) As set forth in detail above, the FDA Redbook provides guidance for conducting tests of direct food additives such as acesulfame potassium; it does not establish requirements. The FDA memoranda cited by CSPI discussed the apparent no-effect level for acesulfame potassium and the use of rat studies to determine the Acceptable Daily Intake of the sweetener; they neither addressed the use of the MTD generally, nor discussed specifically the MTD for the mouse study. Thus, none of the information identified by CSPI is sufficient to justify the conclusion that the MTD must be used in all chronic studies. (See § 12.24(b)(3).)

FDA is also denying CSPI's request for a hearing on this objection to the extent that this request is based on an alleged requirement that the MTD be determined only by a subchronic study. Once again, CSPI relies upon the FDA Redbook and the IARC Report to support its assertion that a subchronic study is the only acceptable way of determining dosing levels. (See CSPI Obj., pp. 7 and 9.) However, as discussed above, neither the FDA Redbook nor the IARC Report establish requirements; both simply provide guidance for the conduct of chronic animal testing. In fact, in a comparable situation with FD&C Blue No. 2, the appellate court concluded that there are reasonable alternative approaches for determining the high dose in a chronic study.

> It is clear from the record that the pilot study is simply one accepted and efficient method to determine the MTD to be used in the main study, not an iron-clad prerequisite to the validity of the MTD actually selected * * *. Thus, the FDA justifiably rejected petitioners' argument that a pilot study was necessary to determine the Blue No. 2 MTD.

(*Simpson* v. *Young, supra*, 854 F.2d at 1435.)

Accordingly, the only information identified by CSPI is insufficient to justify the conclusion that the MTD for a chronic study must be determined by a subchronic study in the same species. (See § 12.24(b)(3).)

The agency is also denying CSPI's request for a hearing on this objection to the extent that it is based upon the claim that the mouse study was of insufficient duration. In support of its allegation of insufficient duration, CSPI relies upon the FDA Redbook and the NTP Report. (See CSPI Obj., p. 8.) Neither of these documents supports CSPI's position.

First, as discussed in detail in this document, as a general matter, the FDA Redbook provides guidance for chronic animal testing; it does not establish requirements. Similarly, the NTP Report identified by CSPI does not establish an ironclad requirement that chronic rodent studies be 104 weeks long. To the contrary, the NTP Report recommends that experimental animals be allowed "to survive for most of their natural lifespan" (Ref. 4, p. 189).[4] Accordingly, the data and information identified by CSPI, even if established at a hearing, would not justify the conclusion that the mouse study was of insufficient duration. Thus, FDA is denying a hearing on this objection. (See § 12.24(b)(3).)

CSPI's objection to adequacy of the mouse study is based solely upon the alleged failure of the study to achieve the MTD and the study's alleged insufficient duration. (See CSPI Obj., pp. 6 and 7.) As shown above, CSPI has identified no data or other information to demonstrate that, for a chronic study to be adequate, the MTD must be achieved and that such study must be at least 104 weeks in duration. Accordingly, the data and other information identified by CSPI do not justify a conclusion that the mouse study was not adequate to assess the carcinogenicity of acesulfame potassium. (See § 12.24(b)(3).)

As with its first objection, CSPI asserts that the FDA Redbook requires two rodent studies to establish the safety of a food additive such as acesulfame potassium. (See CSPI Obj., p. 9.) CSPI further asserts that if the mouse study is determined to be inadequate, there will be no longer be two rodent studies to support the safety of acesulfame potassium. As shown above, the data and information identified by CSPI, even if established at a hearing, would not be adequate to justify resolution of this issue in CSPI's favor. (See § 12.24(b)(3).) Because the information cited is not sufficient to establish CSPI's factual assertion, a hearing need not be granted on this issue. (See § 12.24(b)(3).)

C. Results of the First Long-Term Rat Study

As discussed in the final rule in the Federal Register of July 28, 1988 (53 FR 28379), the petitioners submitted data from a long-term toxicity and carcinogenicity study conducted in CIVO-bred Wistar rats (the "first rat study"). The agency evaluated all of the data and information from this study and concluded that the data do not establish a carcinogenic effect of acesulfame potassium. However, because of deficiencies and confounding factors, the agency further concluded that the first rat study is "inadequate for

(at 80 weeks), termination would probably have been required a short time later because of increased, excessive mortality.

[4] FDA agrees with the NTP Report recommendation on study length. In this case, terminating the mouse study at 80 weeks was consistent with the NTP recommendation, given the average lifespan of Swiss mice: at the time of the study, their mortality declined severely between 18 months and 2 years.

assessing the carcinogenic potential of the test compound or for any other purposes of a safety evaluation" (53 FR 28379 at 28381; Ref. 1).

CSPI's third objection contends that the first rat study provides evidence that acesulfame potassium causes cancer in rats, citing increased incidences of lung lymphoreticular tumors and several types of other, rat tumors. The objection also disputes FDA's reasons for concluding that the study is inadequate for determining the safety of the sweetener.[5] CSPI makes six separate contentions in this objection. Each of these is addressed individually below.

1. Incidence of Rare Tumors

CSPI asserts that the first rat study demonstrates a carcinogenic effect of acesulfame potassium because increased incidences of several rare tumors (thymus lymphosarcoma, blood lymphocytic and monocytic leukemias, kidney carcinoma, chromophobe adenoma of the pituitary, and parafollicular cell adenoma of the thyroid) were observed in the treated animals. (See CSPI Obj., pp. 10 and 11.) In support of its assertion, CSPI cites an FDA memorandum dated "December 2, 1984" (Ref. 5; the memorandum referred to by CSPI is in fact dated December 3, 1984).

FDA is denying CSPI's request for a hearing on its third objection to the extent that it alleges that the incidence of rare tumors in treated animals of the first rat study provides evidence of the carcinogenicity of acesulfame potassium. The only evidence that CSPI cites in support of its allegation is the FDA memorandum dated December 3, 1984. This memorandum, even if its contents were established at a hearing, would not demonstrate that the rare tumors were attributable to dietary exposure to acesulfame potassium.

The December 3, 1984, FDA memorandum was merely a tabulation of the lesions and findings reported by the investigators of the first rat study. The memorandum was prepared by FDA scientists for the purpose of further evaluation of the study data.[6] It was not prepared for the purpose of drawing conclusions about whether the findings were effects that could be attributed to the test compound, and in fact, the memorandum does not draw any such conclusions. Thus, the data in the memorandum identified by CSPI do not justify a conclusion that the rare tumors observed in treated animals were attributable to acesulfame potassium. Accordingly, FDA is denying CSPI's hearing request on this point.[7] (See § 12.24(b)(3).)

2. Absence of Complete Histopathological Data.

In the preamble to the final rule, FDA explained its reasons for determining that the first rat study was not adequate to demonstrate safety. The agency stated:

> A major deficiency in the study is the fact that only 20 of the 60 rats in the control and high dose groups were subject to a complete histopathological examination, thereby limiting the proper interpretation of the results of the study.
>
> (See 53 FR 28379 at 28380).

In its third objection, CSPI asserts that FDA's reasoning on this point " is not persuasive, because there is no reason to suspect that more extensive histopathological examination would have distorted the dose-response trend observed * * *." (See CSPI Obj., pp. 11 and 12.) The only evidence CSPI identifies in making its assertion are FDA memoranda dated December 3, 1984, and August 15, 1986. (See CSPI Obj., p. 12.)

FDA is denying CSPI's request for a hearing on its third objection to the extent that it alleges that further histopathological examination of animals in the first rat study would not have distorted the alleged observed dose-response trend.[8] Because complete histopathological examination of tissues from all animals in the first rat study was not done and cannot be done now, any prediction of the results of such an examination is simply speculation. Speculation regarding data that do not exist cannot serve as the basis for a hearing. (See § 12.24(b)(2).)

Moreover, as discussed above, the December 3, 1984, FDA memorandum cited by CSPI (Ref. 5) was merely a tabulation of the findings reported by the investigators of the first rat study, prepared for the purpose of further evaluation of the study data. The August 15, 1986, memorandum (Ref. 6) was a statistical analysis of mortality and body weights of rats of the first study; it did not discuss the histopathological examination nor did it address tumor incidence or dose-response trends. Thus, the information in the FDA memoranda, even if established at a hearing, is not sufficient to establish CSPI's factual assertion. (See § 12.24(b)(3).)

3. Significance of Extensive Chronic Respiratory Disease

In discussing the agency's conclusion that the first rat study was inadequate to demonstrate carcinogenicity or safety of acesulfame potassium, FDA noted that "extensive, severe chronic respiratory disease in the lungs of rats of all groups confounded diagnosis and interpretation of lung lesions in these animals." (See 53 FR 28379 at 23830). The agency also noted that the particular lung tumors associated with the CIVO-bred Wistar strain of rat differed from those in other rat strains and were associated with extensive, severe chronic respiratory disease (CRD) in this strain of rat (53 FR 23879 at 23832, Ref. 5).[9] Moreover, the agency noted that the second rat study, conducted in a different rat strain, did not show lymphoreticular tumors in the lungs (53 FR 28379 at 28380).

In its third objection, CSPI disagrees with the agency's interpretation of these data. In particular, CSPI asserts that lymphoreticular tumors occurred in the absence of CRD in dosed male rats, and further that, despite CRD, the study results showed dose-related trends in tumor incidence, time-to-tumor, and time-to-death with tumor.[10] (See CSPI

[5] Many of the issues raised in this objection were raised previously by CSPI in its letter to FDA dated September 23, 1987, and were addressed by the agency in the preamble to the final rule (53 FR 28379, July 28, 1988).

[6] Specifically, the memorandum requested "that the Division of Mathematics perform statistical analyses of the tumor data for each of the 3 long-term feeding studies" (Ref. 5).

[7] In support of its third objection, CSPI also cited data regarding tumor incidence in the second rat study. Specifically, CSPI asserted that thymus lymphosarcoma was also found only in treated rats of the second rat study. This statement apparently is based on the initial pathology report of the second study. Before reaching a decision on the second rat study, however, the agency requested more detailed and consistent listings of the study results, which led to a reexamination of the slides and preparation of a new report (53 FR 28379 at 28380). No thymus lymphosarcomas were found in the treated animals following complete reexamination of the histopathology slides, as given in the later and more complete report (petitioner's submission dated March 20, 1986; see section D, below). Thus, the data from the second rat study do not support CSPI's contention concerning tumor incidence in the first rat study.

[8] FDA does not agree that the data establish an acesulfame potassium-dependent, dose-response trend in tumor incidence; see section V.C.4. of this document.

[9] The lung tumors common in this strain of rats were lung lymphoreticular tumors, that is, tumors of reticuloendothelial cells of lymphoid tissue in the lungs. Some of these tumors were classified as reticulum cellsarcomas, which are a type of malignant lymphoreticular tumor; that is, reticulum cell sarcomas are a subset of lymphoreticular tumors. Further, lymphoreticular tumors are tumors of the reticuloendothelial system (i.e., the "lymphatic" system). The lymphatic system is distributed throughout the body, and usually, these tumors are disseminated. In this strain of rats, (which had very high rates of chronic respiratory disease), the lymphoreticular tumors were localized to the lung. (See Ref. 1 and 53 FR 23879 at 23832, Ref. 5).

[10] In its objection, CSPI incorrectly claims that FDA said that CRD occurred in all study rats. (See

Continued

Obj., p. 12.) In support of its assertion, CSPI cites an FDA memorandum dated June 19, 1986 (Ref. 7).

FDA is denying CSPI's request for a hearing on this objection to the extent that it disputes FDA's conclusion that the presence of extensive CRD confounded interpretation of the first rat study because the evidence identified in support of CSPI's objection, even if established at a hearing, would not be adequate to justify resolution of this issue in CSPI's favor. (See § 12.24(b)(3).)

The only evidence that CSPI cites in support of its allegation is the FDA memorandum dated June 19, 1986. This memorandum was a request for an evaluation of all of the data available regarding the carcinogenic potential of acesulfame potassium. The portion of the memorandum cited by CSPI is a tabulation of recently submitted data, in which it was noted that lymphoreticular tumors occurred in the absence of CRD in a few animals. Importantly, however, the memorandum did not conclude that the lymphoreticular tumors observed in the absence of CRD were attributable to acesulfame potassium. Thus, the data in the memorandum relied upon by CSPI are not sufficient to refute FDA's conclusion that the presence of CRD confounded interpretation of the first rat study. Furthermore, CSPI identified no other evidence to support its assertion. Accordingly, FDA is denying CSPI's hearing request on this point. (See § 12.24(b)(3).)

4. Incidence of Lymphoreticular Tumors in Male Rats

In the preamble to the final rule, the agency noted that, in the first rat study, there was a slightly higher incidence, and earlier appearance, of lymphoreticular tumors in dosed rats than in the concurrent control group. The agency concluded that under the circumstances of severe CRD, sampling limitations, and the very high rate of spontaneously-occurring lung tumors in this strain of rat, no conclusions should be made about any effect of acesulfame potassium on the lungs (53 FR 28379 at 28380).

In its third objection, CSPI challenges the agency conclusion and assets that "acesulfame potassium, not CRD, was responsible for the increased mortality [from lymphoreticular tumors] in males." (See CSPI Obj., p. 13.)

In support of its allegation, CSPI cites a table that CSPI constructed, titled "Cause of Death in Male Rats That Died or Were Killed When Moribund." (See CSPI Obj., p. 14.) CSPI assets that the table shows an acesulfame potassium dose-related increase in mortality, and that "This dose-related increase in mortality was due to lymphoreticular tumors, not CRD. Male treated rats died of lung tumors at a much higher rate, and of CRD at a much lower rate, than controls did * * *." (See CSPI Obj., p. 14.)

The table upon which CSPI relies contains three columns of data that CSPI abstracted from two separate documents. Column one purports to represent the percentage of deaths of control and dosed male rats attributed to CRD; column two, the percentage of deaths attributed to reticulum cell sarcoma; and column three, the percentage of deaths attributed to lymphoreticular tumors. The data in the first two columns were taken for original (uncorrected) report of the study; the third column lists data taken from a review memorandum of a subsequent (corrected) report.

FDA is denying CSPI's request for a hearing on this objection to the extent that it alleges that acesulfame potassium was responsible for increased mortality from lymphoreticular tumors in male rats of the first study, because a hearing will not be granted on the basis of mere allegations or descriptions of positions or contentions (§ 12.24(b)(2)).

To justify a hearing on this objection, CSPI must specifically identify reliable evidence that can resolve the factual issue in the way sought by CSPI. The table CSPI constructed, and the conclusions CSPI draws from it, are not reliable for several reasons. (1) The table misrepresents the meaning of the data. The study reports from which the data were drawn listed the number of animals found to have the listed conditions. Contrary to the title of the table, CSPI has presented no evidence to establish that for each animal, CRD, reticulum cell sarcomas, or lymphoreticular tumors were determined to be the cause of death. (2) Data are double counted. Specifically, "lymphoreticular tumors" is a general term for benign and malignant neoplasms of the reticuloendothelial cells of the lymph nodes. This category includes "reticulum cell sarcomas," which are malignant tumors of the lymphoid tissue. Thus, the animals identified in column two (deaths attributed to reticulum cell sarcomas) are also counted in column three (deaths attributed to lymphoreticular tumors). (3) A portion of the data are drawn from an unreliable source. That is, the data purporting to represent the percentages of deaths attributed to CRD (column one) and reticulum cell sarcomas (column two) were taken from the original report of the study, which had several inconsistencies in the data. This original report was superseded by a consistent and more accurate report. (4) The data in column three cannot properly be compared to data in columns one and two. Data in columns one and two were drawn from a study report that counted only animals that died or were killed when moribund; the data in column three, however, were taken from a latter report of the study that listed all animals examined, including those sacrificed at the end of the study as well as those that died or were killed when moribund.[11]

CSPI asserts that deaths were caused by lung tumors and that the lung tumors were caused by the test compound. However, the information CSPI has offered in support of its assertion is not reliable, as explained above. A hearing must be based on reliable evidence, not on mere allegations or on information that is inaccurate and contradicted by the record. (See § 12.24(b)(2).)

5. The use of Historical Control Data

In the preamble to the final rule, FDA discussed historical control data for CIVO bred Wistar rats. Specifically, the agency noted:

> Reticulum cell sarcomas are known to occur spontaneously in this strain of rat; incidents as high as 32 percent had been reported in untreated CIVO-bred Wistar rats * * *. These findings on the lymphoreticular neoplasms observed in treated and control rats from this study reinforce the agency's judgment that these neoplasms were not caused by acesulfame potassium treatment * * *.

(53 FR 28379 at 28380 and Ref. 5 of final rule).

The agency received from the petitioners historical control data on tumors in this strain of rat, as well as information about the factors taken into account by the testing laboratory in its selection of appropriate historical control data. The historical control data are from the same type of studies conducted in the same laboratory, with the same strain of rat, under similar conditions, with continuity of pathological standards, and are from the same time period as the first rat study (Ref. 8). The agency evaluated this information in reaching its conclusion that there was no evidence that the tumors observed in the first rat study

Obj., p. 12.) In fact, FDA stated that CRD was seen in rats in all groups in the study. (See 53 FR 28379 at 28380.)

[11] The data in column three are, therefore, inconsistent with the title of the table, which purports to compare causes of death in animals that died or were killed when moribund.

were attributable to acesulfame potassium.

CSPI objects to the agency's reliance on historical control data and makes three points about comparing the data in the first rat study to historical control data.

a. CSPI lists possible sources of variability in historical control data and asserts that "There is no evidence that FDA carefully evaluated the data for these sources of variability or that the laboratory conducting the study attempted to control the variability." (See CSPI Obj., p. 14.)

In support of its assertion, CSPI cites an Office of Science and Technology Policy (OSTP) report, "Chemical Carcinogens: A Review of the Science and its Associated Principles" (the OSTP report); a presentation by Dr. James S. Winbush to the Toxicology Forum (the Winbush statement); and unspecified "data from the petitioner's first long-term rat study, * * * evidencing the petitioner's failure to attempt to identify and control sources of variability in tumor rates among historical controls" (CSPI Obj., p. 16). CSPI cites the OSTP report as stating that the sources of variability in historical control data should be identified and, if possible, controlled (CSPI Obj., p. 14); CSPI cites the Winbush statement as listing the factors that can account for tumor rate variability among historical control groups (CSPI Obj., pp. 14 and 15).

FDA is denying CSPI's request for a hearing on this objection to the extent that it alleges that FDA did not evaluate historical control data for sources of variability, because the data and information identified by CSPI in support of the objection, even if established at a hearing, would not be adequate to justify resolution of this factual issue in CSPI's favor. (See § 12.24(b)(3).) With regard to the unspecified data from the petition, a hearing cannot be justified on the basis of a promise that some unidentified evidence will be provided at the time of that hearing. The person seeking a hearing must meet a threshold burden of identifying specific evidence that suggests a need for a hearing. (See § 12.24(b)(2).)

The assertion that there is no evidence showing FDA evaluation of, or laboratory control of, variability in historical controls is contradicted by the record. The objection fails to acknowledge the information on this point that FDA evaluated. CSPI has identified no specific evidence to challenge FDA's evaluation. The only information that CSPI specifically identified in support of its assertion are the Winbush statement and the OSTP report. The Winbush statement and the OSTP report, even if established at a hearing, do not support a conclusion that the agency's consideration of the historical control data was inadequate. (See § 12.24(b)(3).) In fact, FDA agrees with and follows the principles set out in the OSTP report and in the Winbush statement.[12]

b. CSPI asserts that the incidence of lymphoreticular tumors in females of the high-dose group was twice the average of historical control groups (CSPI Obj., p. 15).[13]

FDA is denying CSPI's request for a hearing on its third objection to the extent that it alleges that the average incidence in historical control groups is the most appropriate reference for comparing experimental data. CSPI offers no evidence in support of this position.[14] A hearing will not be granted on the basis of mere allegations or descriptions of positions or contentions. (See § 12.24(b)(2).)

c. In discussing the mortality of dosed male rats, which was higher than the mortality of control male rats, CSPI asserted "Although the study authors attribute this difference in death rates to unusually low mortality in the controls, and state that test group mortality was still within the historical control range, the variability in historical controls is too great for the historical data to be used in determining significance. Indeed, the high mortality rates and high variability lead one to question the adequacy of conditions in this laboratory." (See CSPI Obj., p. 13.)

CSPI identifies no specific evidence in support of the foregoing allegation. Accordingly, FDA is denying CSPI's request for a hearing on its third objection to the extent that it alleges that the variability in mortality in historical controls in this laboratory is too great for historical data to be used in determining significance, because a hearing will not be granted on the basis of mere allegations. (See § 12.24(b)(2).)

Moreover, by questioning the adequacy of the testing laboratory because of high mortality rates and high variability in mortality rates, CSPI actually identifies the crux of the problem with the first rat study: during the time of the study, CRD was so extensive in this colony that the disease and associated conditions obscured whether there could have been possible effects caused by the test compound. Thus, CSPI's objection is consistent with FDA's conclusion that the study is not adequate for use in determining the safety of an additive. A hearing will not be granted on factual issues that are not determinative with respect to the action requested. (See § 12.24(b)(4).

6. Appropriateness of dose levels. In the preamble to the final rule (53 FR 28379 at 28380, 28381), the agency discussed its reasons for concluding that the first rat study was not adequate to demonstrate carcinogenicity of acesulfame potassium, and noted that this study was not relied upon to show the safety of the sweetener.

In its third objection, CSPI asserts that the high dose in the first rat study was too low for a proper assessment of carcinogenicity, and further alleges that "This flaw biased the study toward a negative finding on carcinogenicity. If this flaw was corrected, an even stronger carcinogenic effect would likely be found." (See CSPI Obj., p. 10.) CSPI identified no specific evidence in support of this objection.

FDA is denying CSPI's request for a hearing on this objection to the extent that it alleges that the high dose used in the first rat study was too low for a proper assessment of carcinogenicity, because a hearing will not be granted on the basis of mere allegations. (See § 12.24(b)(2).) In addition, CSPI's contention that a higher dose level would likely have produced an "even stronger" carcinogenic effect is speculation on the outcome of a study that was not done. Speculation regarding data that do not exist cannot serve as the basis for a hearing. (See § 12.24(b)(2).)

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[12] Moreover, FDA followed the principles set out in the OSTP report and in the Winbush statement in assessing the use of historical control data in this instance. In discussing the use of historical control data, the OSTP statement cited by CSPI goes on to state: "Obviously one has more confidence in the most recent historical control data from the same laboratory conducting the current study than in a complication of pooled older data from other laboratories" (50 FR 10372 at 10418, March 14, 1985). OSTP also states that "Historical control data can be valuable when used appropriately, especially when the differences in incidence rates between treated and concurrent negative controls are small and can be shown to be within the anticipated historical incidence." (See 50 FR 10372 at 10418.)

[13] In making this statement, CSPI ignored the fact that all incidences of lymphoreticular tumors in the first rat study, for treated as well as control groups, were within the range of incidences found in historical controls.

[14] The average incidence of historical control groups is not the most appropriate statistical reference point for comparing incidences among treated and historical or concurrent control groups: Information about the variability of the toxicologic end point under consideration is lost when incidences are averaged; the more variable the end point is among control animals, the more information is lost through averaging. In contrast, by comparing incidences in treated and control animals with the range of historical control incidences, information about the variability of the toxicologic end point is retained.

Finally, even if it were established that the dose used in the first rat study was too low for a proper assessment of carcinogenicity, this determination would not alter FDA's conclusion that this study was not adequate for determination of safety or carcinogenicity (53 FR 28379 at 28281). Thus, FDA is denying CSPI's request for a hearing on this point because a hearing will not be granted on factual issues that are not determinative with respect to the action requested. (See § 12.24(b)(4).)

D. Results of the Second Long-Term Rat Study

As discussed above, the petitioners submitted data from a long-term toxicity and carcinogenicity study conducted in CPB–WU Wistar rats (the "second rat study"). In the preamble to the final rule (53 FR 28379 at 28380), FDA explained that the original report of the second rat study contained inconsistencies in the criteria used to identify and diagnose lesions. Because of these inconsistencies, FDA requested more detailed and explicit listings of the results of the study. In response, the petitioner had the data and microscopic slides reviewed by a consulting pathologist, who prepared a new report. After a comprehensive review of all of the data, the agency concluded that the second rat study is adequate for the safety evaluation of a food additive and that there is no association between the occurrence of neoplasms and treatment with acesulfame potassium (Ref. 1; 53 FR 28379 at 28380 and 28381).

CSPI's fourth objection contends that the second long-term rat study demonstrates that acesulfame potassium causes cancer in rats.[15] CSPI discusses two bases for this contention.

1. Incidence of rare tumors. CSPI contends that the incidence of several types of rare tumors (lymphosarcoma of the thymus, hemangiosarcoma of the mesenteric lymph nodes, brain meningioma, spleen mesothelioma, and adenomatous polyps of the uterus) were elevated in treated animals. In support of this contention, CSPI cites an FDA memorandum dated December 2, 1984 (actually dated December 3, 1984) (Ref. 5).

FDA is denying CSPI's request for a hearing on this objection to the extent that it alleges that the increased incidence of rare tumors in treated animals in the second rat study provides evidence of carcinogenicity of acesulfame potassium. The data and information identified by CSPI in support of this objection, even if established at a hearing, would not be adequate to justify resolution of this factual question in CSPI's favor. (See § 12.24(b)(3).)

The only evidence that CSPI cites in support of its allegation is the FDA memorandum dated December 3, 1984. This memorandum, even if its contents were established at a hearing, would not demonstrate that the rare tumors were attributable to dietary exposure to acesulfame potassium. The memorandum was merely a tabulation of all lesions and findings reported in the second rat study, and was prepared for the purpose of further evaluation, including statistical analysis of the data (Ref. 5). It was not prepared for the purpose of drawing conclusions about whether the findings were effects that could be attributed to the test compound and, in fact, it did not draw any conclusion about whether the findings were attributable to acesulfame potassium.

Moreover, the memorandum cited by CSPI reflected the listing of the data in the first, inconsistent report of the study, a report that was subsequently revised and corrected. CSPI ignored the corrected data in the record when it formulated its objection. Unlike CSPI, FDA made its final determination on the basis of the entire record when it concluded that the data from the second rat study did not show an association between the occurrence of tumors and treatment with acesulfame potassium.

In summary, the data in the memorandum identified by CSPI do not justify a conclusion that the rare tumors observed in treated animals were attributable to acesulfame potassium. Accordingly, FDA is denying CSPI's hearing request on this point. (See § 12.24(b)(3).)

2. Incidence of mammary gland tumors. In promulgating the rule authorizing the use of acesulfame potassium, FDA specifically considered the differences in the incidence of mammary gland neoplasms in female rats in the second rat study. In the preamble to the final rule, FDA noted that most of the mammary tumors observed were fibroadenomas, and that there was an increased incidence of fibroadenomas in treated female rats. The agency also stated that tumors other than fibroadenomas were few in number and were distributed randomly among the different groups, and that the incidences of mammary gland hyperplasia were similar and uniformly high in all groups of treated and control females. (See 53 FR 28379 at 28380.)

After review of all of the data, the agency concluded that the occurrence of mammary gland neoplasms was not associated with treatment with acesulfame potassium. The final rule cited several reasons for this conclusion:

(1) Fibroadenomas are a common old age tumor in this strain of rats and their incidence is variable.

(2) The incidence of mammary fibroadenomas in female control rats from seven comparable studies, performed at this testing laboratory around the same time period as the acesulfame potassium study, is 250 of 452 or 55.3 percent * * *. This incidence is higher than the incidences for any of the treated groups in the acesulfame potassium study and is much higher than that for the concurrent control group. The concurrent control group had an unusually low incidence of these tumors.

(3) In the treated groups, the lack of a dose response in incidences of fibroadenomas, as well as of all mammary tumors and of hyperplasia, is evidence that there is not a treatment-related effect of the sweetener on the incidence of fibroadenomas.

(4) There was no evidence of progressive stages of mammary gland neoplasms (hyperplasia to malignant neoplasms) that would indicate a treatment-related induction of tumors.

(53 FR 28379 at 28381 and Ref. 6 of final rule).

In its fourth objection, CSPI challenges the agency's conclusion that the occurrence of mammary neoplasms was not associated with acesulfame potassium treatment. (See CSPI Obj., pp. 17 and 18.) CSPI further challenges the agency's reasons for its conclusion. (See CSPI Obj., pp. 19 and 20.) CSPA makes four separate points with regard to the occurrence of mammary tumors in the second rat study.

a. CSPI first asserts that the incidences of mammary gland neoplasms in female rats increased with increasing dose of acesulfame potassium up to the mid-dose,[16] and that this provides evidence of the carcinogenicity of the sweetener. (See CSPI Obj., p. 18.) CSPI further asserts that there were "increases in benign and malignant tumors associated with dosing of acesulfame potassium." (See CSPI Obj., p. 20.) In support of its assertions, CSPI identifies no specific evidence, referring only to unspecified and unidentified study data and FDA evaluations. (See CSPI Obj., p. 20.)

FDA is denying CSPI's request for a hearing on this objection to the extent

[15] Most of the issues raised in this objection were raised previously by CSPI in its September 23, 1987, letter to FDA, and were addressed by the agency in the preamble to the final rule (53 FR 28379, July 28, 1988).

[16] This is simply a restatement of the fact that the mid-dose animals had more tumors than the low-dose animals, but the high-dose animals did not have more tumors than the mid-dose animals.

that it alleges that the increased incidence of mammary neoplasms in the second rat study provides evidence of carcinogenicity of acesulfame potassium, because a hearing cannot be justified on the basis of a promise that some unidentified evidence will be provided at the time of the hearing. The person seeking the hearing must meet a threshold burden of identifying specific evidence that suggests a need for a hearing. (See § 12.24(b)(2).)

b. CSPI makes two separate assertions regarding FDA's use of historical control data. First, CSPI asserts that the weight accorded to historical control data is inappropriate and that "[t]here is no evidence that FDA examined the data for sources of variability or to ensure that the historical studies conformed with Good Laboratory Practice Standards." (See CSPI Obj., p. 19.)

CSPI identifies no specific evidence in support of its assertion that FDA failed to examine adequately the historical control data. Thus, FDA is denying CSPI's request for a hearing on its fourth objection to the extent that it alleges that FDA did not examine the historical data for sources of varability, because a hearing will not be granted on the basis of mere allegations. (See § 12.24(b)(2).)

Moreover, CSPI's assertion that there is no evidence that FDA evaluated the variability in historical control data is not correct. CSPI's objection fails to acknowledge the information received from the petitioner concerning historical controls that FDA did evaluate.[17]

FDA is also denying CSPI's request for a hearing on this objection to the extent that it alleges that FDA failed to ensure that the studies that constitute the historical control data conformed with good laboratory practice. Once again, CSPI identifies no specific evidence demonstrating that FDA's alleged failure to do detailed examinations of the historical studies seriously undermines the utility of the historical data for comparison purposes. CSPI's objection identifies no relevant data that were overlooked by the agency, nor does it identify any specific problems that invalidate these data. Thus, FDA is denying a hearing on this point, because a hearing will not be granted on the basis of mere allegations. (See § 12.24(b)(2).)

Secondly, CSPI asserts that wide variability of tumor rates in the historical controls makes the historical control data less reliable than if the range of incidences was narrow.[18] CSPI identifies no specific evidence in support of this allegation. Accordingly, FDA is denying CSPI's request for a hearing on its fourth objection to the extent that it alleges that the variability in tumor rates in historical controls limits the usefulness of historical control data, because a hearing will not be granted on the basis of mere allegations. (See § 12.24(b)(2).)

c. In the final rule (53 FR 28379 at 28381), FDA noted that the lack of a dose response to acesulfame potassium in the incidence of mammary tumors was evidence that there was not a treatment-related effect of the sweetener. In challenging the agency's reasoning, CSPI asserts that it is not necessary to establish a positive dose response to conclude that a test substance is a carcinogen. (See CSPI Obj., p. 20.) In support of its assertion, CSPI cites an article, "Scientific Basis for Identification of Potential Carcinogens and Estimation of Risk" (Ref. 9).

FDA is denying CSPI's request for a hearing on this objection to the extent that the objection alleges that it is not necessary to establish a positive dose response to reach a conclusion of carcinogenicity, because resolution of this factual issue in CSPI's favor is not adequate to justify a finding that the second rat study showed a carcinogenic effect of acesulfame potassium. (See § 12.24(b)(4).)

FDA agrees that it is not always necessary to establish a positive dose response to reach a conclusion of carcinogenicity. The agency also agrees with the principles outlined in the article cited by CSPI. However, as stated previously, the agency reached its decision about the lack of association of the sweetener with mammary gland tumors based on the weight of all of the evidence; no single point provided complete proof in determining the question of carcinogenicity. As discussed above, CSPI has identified no specific evidence to support the conclusion that the second rat study demonstrates a carcinogenic effect of acesulfame potassium, even absent a dose response.

d. CSPI asserts that FDA's point on the lack of progressive stages of mammary gland neoplasms is "hardly proof" that tumors were not related to treatment. (See CSPI Obj., p. 20.) Again, CSPI identifies no specific evidence to contradict FDA's conclusion that the absence of progressive stages of mammary gland neoplasms supports the agency's conclusion that the mammary gland neoplasms were not treatment-related.

FDA is denying CSPI's request for a hearing on its fourth objection to the extent that it alleges that the lack of progressive stages of mammary gland neoplasms is not evidence that tumors were not treatment-related, because a hearing will not be held on the basis of mere allegations. (See § 12.24(b)(2).) Because CSPI has not submitted any new information to support its allegation that this study demonstrated that acesulfame potassium caused cancer in rats, and has not demonstrated that the agency overlooked significant information in reaching its conclusion of safety, a hearing is not required (See § 12.24(b)(2).)

VI. Summary and Conclusions

Under 21 CFR 170.3(i), safety of a food additive means that there is a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use. FDA's regulations reflect the congressional judgment that the additive must be properly tested and the tests carefully evaluated, but the additive need not, indeed cannot, be shown to be safe to an absolute certainty. The House Report on the Food Additives Amendment stated:

> Safety requires proof of a reasonable certainty that no harm will result from the proposed use of the additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance.

(H.R. Rept. No. 2284, 85th Cong., 2d Sess., 1958.)

Acesulfame potassium has been thoroughly tested for safety and the data have been reviewed by the agency. As discussed above, the agency has concluded that the studies conducted to establish the safety of this compound are adequate to demonstrate, to a reasonable certainty, the safety of acesulfame potassium for its intended uses.

The petitioner has the burden to demonstrate safety before FDA will approve the use of a food additive. Nevertheless, once the agency makes a finding of safety in a listing document, the burden shifts to an objector, who

[17] The agency noted in the final rule that the historical control data that the agency evaluated were "• • • from seven comparable studies, performed at (the same) testing laboratory around the same time period as the acesulfame potassium study • • •" (See 53 FR 28379 at 28381 and Ref. 6 of final rule).

[18] Historical control data are used to establish the background rates for tumor incidence. The variation in tumor rates among groups of test animals that is due to the spontaneous incidence of a tumor is the key information sought. Wide variations in the spontaneous incidence of a tumor show that tumor incidence can be expected to vary for reasons other than treatment with the test substance.

must come forward with evidence that calls into question FDA's conclusion (*American Cyanamid Co.* v. *FDA*, 606 F2d. 1307, 1314–1315 (D. C. Cir. 1979)).

CSPI has neither submitted new information to support its claim that FDA incorrectly concluded that acesulfame potassium is safe, nor has CSPI established that the agency overlooked significant information in reaching its conclusion. Indeed, CSPI presents no evidence that has not already been carefully reviewed and weighed by the agency. The agency has determined that the objections do not raise genuine and substantial issues of fact that would justify an evidentiary hearing on any of the objections raised. (See § 12.24(b).) Accordingly, FDA is overruling CSPI's objections and is denying CSPI's request for a hearing. In addition, CSPI's request for a stay of the effectiveness of the July 28, 1988, regulation until a hearing is held is moot because FDA is denying the hearing requests. FDA is thus confirming July 28, 1988, as the effective date of the regulation.

VII. References

The following references have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD, 20857, and may be seen in that office by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Cancer Assessment Committee, Memorandum of Conferences, November 21, 1983, February 21, 1985, December 12, 1985, and June 17, 1986.

2. FDA, Bureau of Foods, "Toxicological Principles for the Safety Assessment of Direct Food Additives and Color Additives Used in Food," 1982.

3. Feron, V.J., et al., "Basic Requirements for Long-term Assays for Carcinogenicity." in "Long-term and Short-term Assays for Carcinogens: A Critical Appraisal," International Agency for Research on Cancer, IARC Monographs, Supplement 2, 1980, pp. 21–83.

4. Board of Scientific Counselors, National Toxicology Program, "Report of the NTP Ad Hoc Panel on Chemical Carcinogenesis Testing and Evaluation," 1984, pp. 188–190.

5. Taylor, L.L., Food Additives Evaluation Branch, memorandum of December 3, 1984.

6. Chi, R.K., Experimental Design and Evaluation Branch, memorandum of August 15, 1986.

7. Taylor, L.L., Additives Evaluation Branch, memorandum of June 19, 1986.

8. De Groot, A.P., and V. J. Feron, CIVO Institute, "Statement on: Historical Control Data on Lung Tumors," food additive petition 2A3659, submission of April 23, 1986.

9. Interagency Regulatory Liaison Group, Work Group on Risk Assessment, "Scientific Bases for Identification of Potential Carcinogens and Estimation of Risks," *Journal of the National Cancer Institute*, 63:241, 1979, p. 252.

Dated: February 20, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4425 Filed 2–26–92; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 901

[Docket No. R–92–1520; FR–2897–O–04]

Public Housing Management Assessment Program; Announcement of OMB Approval Number

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Interim rule; Announcement of OMB approval number.

SUMMARY: On January 17, 1992 (57 FR 2160), the Department of Housing and Urban Development published in the **Federal Register**, an interim rule that established the Public Housing Management Assessment Program (PHMAP) in accordance with section 502 of the National Affordable Housing Act (approved November 28, 1990, Pub. L. 101–625, hereinafter, NAHA) as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (approved October 28, 1991, Pub. L. 102–139, hereinafter, 92 App. Act). PHMAP provides policies and procedures for the Department's use in identifying public housing agency (PHA) management capabilities and deficiencies, and allows HUD Field Offices to practice accountability monitoring and risk management.

In the supplementary information section, under the heading Paperwork Reduction Act, it was indicated that information collection requirements contained in the interim rule had been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980, and were pending approval of collections of information by OMB. It also indicated that the OMB control number, when assigned, would be announced by separate notice in the **Federal Register**.

The purpose of this document is to publish the OMB approval number for the section containing information collection requirements.

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Casimir R. Bonkowski, Director, Office of Management and Policy, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–0440. A telecommunications device for hearing or speech impaired persons (TDD) is available at (202) 708–0850. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory section listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and is assigned the control number listed.

List of Subjects in 24 CFR Part 901

Public housing, Reporting and recordkeeping requirements.

Text of the Amendment

Accordingly, part 901 of title 24 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 901 continues to read as follows:

Authority: Sec. 6(j), United States Housing Act of 1937 (42 U.S.C. 1437d(j); sec. 502, National Affordable Housing Act (approved November 28, 1990, Pub. L. 101–625); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 901.100 [Amended]

2. Section 901.100 is amended by adding at the end of the section, the following statement:

(Approved by the Office of Management and Budget under OMB control number 2577–0156).

Dated: February 21, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92–4476 Filed 2–26–92; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 591

Procurement—General Provisions

AGENCY: Office of the Assistant Secretary of the Army (Research, Development and Acquisition), DOD.

ACTION: Removal of rule.

SUMMARY: The purpose of this document is to remove 32 CFR part 591, subchapter G. The reason for this removal is that this part is no longer valid. The purpose of part 591 was to implement Department of Defense publications, pursuant to § 1.108 of this title and to establish for the Department of the Army uniform policies and procedures relating to the procurement of supplies and services.

EFFECTIVE DATE: February 26, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis Stevenson or Mr. Mark Lumer, Office of the Assistant Secretary of the Army (RDA). Washington, DC 20310-0103, (703) 697-0723.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 591

Procurement.

PART 591—[REMOVED]

Under the Secretary's authority, 44 U.S.C. chapter 15, 32 CFR part 591 is removed.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-4305 Filed 2-26-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-92-001]

Drawbridge Operation Regulations; Beaufort Channel, Beaufort, NC

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Coast Guard is changing the regulations that govern the operation of the U.S. 70 Bridge across Beaufort Channel, mile 0.1, in Beaufort, North Carolina. The new regulation will permit openings on signal every hour on the half hour from 7:30 a.m. to 7:30 p.m. year round. Openings between 7:30 p.m. to 7:30 a.m. will be on signal. The changes to these regulations are, to the extent practical and feasible, intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on March 30, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at 804-398-6222.

SUPPLEMENTARY INFORMATION: On September 30, 1991, the Coast Guard published a Notice of Proposed Rulemaking (56 FR 49445) concerning operation of the Beaufort Channel Bridge. Interested persons were given until November 14, 1991, to submit comments on the proposed rule. A Temporary Rule (56 FR 54787) was published on October 23, 1991 to test the proposed regulations for a 60-day period and to solicit comments. Interested persons were given until December 15, 1991 to submit comments on the Temporary Rule. No comments were received. No public hearing was held since no request for a hearing was received.

Drafting Information

The drafters of this notice are Bill H. Brazier, Project Officer, and LT Monica Lombardi, Project Attorney.

Discussion of Regulations

The North Carolina Department of Transportation requested that the existing regulations for the U.S. 70 Bridge across Beaufort Channel, mile 0.1, in Beaufort, North Carolina, be amended by extending the current summer season bridge opening schedule year round. The current regulation states the bridge shall open on signal every hour on the half hour from 7:30 a.m. to 7:30 p.m. beginning May 1 through October 31 for pleasure craft. The Department of Transportation's request would have the Beaufort Channel Bridge open on signal for pleasure craft year-round from 7:30 a.m. to 7:30 p.m. every hour on the half hour, 7-days a week. This change was requested due to a 52% increase in year-round draw openings of the bridge, and a 68% increase in year-round vehicular traffic across the bridge between 1984 to present. By providing for hourly openings on the half-hour on a year-round basis, vehicular traffic congestion on U.S. 70 will be reduced and highway safety will be increased. The existing provision that the bridge opens on signal for public vessels of the United States, state and local governments, commercial vessels and vessels in distress would remain unchanged. No comments were received from waterway users or the motoring public for or against the proposed regulation. The Coast Guard feels that imposition of this final rule will not unduly restrict vessel passage through the bridge.

Regulatory Evaluation

This regulation is considered to be non major under Executive order 12291 and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The economic impact of these regulations will not have any substantial effect on commercial navigation or on any businesses that depend on waterborne transportation for successful operations. The Coast Guard believes that hourly openings on the half hour for recreational craft are not excessively restrictive.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider whether proposed rules will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The Coast Guard believes these regulations will have no adverse impacts on small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.822(a) is revised to read as follows:

§ 117.822 Beaufort Channel, North Carolina.

(a) The draw shall open on signal every hour on the half hour from 7:30 a.m. to 7:30 p.m. for the passage of pleasure craft. To accommodate approaching pleasure craft, the hourly openings may be delayed up to 10 minutes past the half hour.

* * * * *

Dated: January 21, 1992.

W. T. Leland,

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

[FR Doc. 92-4368 Filed 2-26-92; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 301-7 and Chapter 301

[FTR Amendment 23]

RIN 3090-AE44

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: An analysis of lodging and meal cost survey data reveals that the listing of maximum per diem rates for locations within the continental United States (CONUS) should be updated to provide for the reimbursement of Federal employees' expenses covered by per diem. This final rule increases the maximum lodging amounts in certain existing per diem localities and adds new per diem localities.

EFFECTIVE DATE: This final rule is effective March 1, 1992, and applies for travel (including travel incident to a change of official station) performed on or after March 1, 1992.

FOR FURTHER INFORMATION CONTACT: Donna Cooke, Transportation Management Division (FBX), Washington, DC 20406, telephone FTS 365-5253 or commercial (703) 305-5253.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 301-7

Government employees, Travel, Travel allowances, Travel and transportation expenses.

For the reasons set out in the preamble, title 41, chapter 301 of the Code of Federal Regulations is amended as follows:

PART 301-7—PER DIEM ALLOWANCES

1. The authority citation for part 301-7 continues to read as follows:

Authority: 5 U.S.C. 5701-5709; E.O. 11609, July 22, 1971 (36 FR 13747).

§ 301-7.4 [Amended]

2. Section 301-7.4(a) is amended by removing the term "Travel Management Division (FBT)" and adding in its place the term "Transportation Management Division (FBX)".

3. Appendix A to chapter 301 is revised to read as follows:

APPENDIX A TO CHAPTER 301—PRESCRIBED MAXIMUM PER DIEM RATES FOR CONUS

The maximum rates listed below are prescribed under § 301-7.3(a) of this regulation for reimbursement of per diem expenses incurred during official travel within CONUS (the continental United States). The amount shown in column (a) is the maximum that will be reimbursed for lodging expenses including applicable taxes. The M&IE rate shown in column (b) is a fixed amount allowed for meals and incidental expenses covered by per diem. The per diem payment calculated in accordance with part 301-7 for lodging expenses plus the M&IE rate may not exceed the maximum per diem rate shown in column (c).

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
CONUS, Standard rate (Applies to all locations within CONUS not specifically listed below or encompassed by the boundary definition of a listed point. However, the standard CONUS rate applies to all locations within CONUS, including those defined below, for certain relocation subsistence allowances. See parts 302-2, 302-4, and 302-5 of this title.)		$40		$26		$66
ALABAMA						
Anniston	Calhoun	41		26		67
Birmingham	Jefferson	52		26		78
Dothan	Houston	43		26		69
Florence	Lauderdale	41		26		67
Gulf Shores	Baldwin	75		26		101
Huntsville	Madison	51		26		77
Mobile	Mobile	51		26		77
Montgomery	Montgomery	50		26		76
Sheffield	Colbert	63		26		89
ARIZONA						
Casa Grande	Pinal	46		26		72
Chinle	Apache	68		26		94
Grand Canyon Nat'l Park/Flagstaff	Coconino	74		26		100
Kayenta	Navajo	62		26		88
Phoenix/Scottsdale	Maricopa	72		26		98
Prescott	Yavapai	48		26		74
Sierra Vista	Cochise	48		26		74
Tucson	Pima County; Davis-Monthan AFB	60		26		86
Yuma	Yuma	57		26		83

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
ARKANSAS						
Fayetteville	Washington	41	.....	26	.....	67
Fort Smith	Sebastian	44	.....	26	.....	70
Helena	Phillips	47	.....	26	.....	73
Hot Springs	Garland	50	.....	26	.....	76
Jonesboro	Craighead	41	.....	26	.....	67
Little Rock	Pulaski	51	.....	26	.....	77
CALIFORNIA						
Bridgeport	Mono	45	.....	26	.....	71
Chico	Butte	53	.....	26	.....	79
Death Valley	Inyo	69	.....	34	.....	123
El Centro	Imperial	49	.....	26	.....	75
Eureka	Humboldt	61	.....	26	.....	87
Fresno	Fresno	60	.....	26	.....	86
Gualala/Point Arena	Mendocino	84	.....	26	.....	110
Herlong	Lassen	53	.....	26	.....	79
Los Angeles	Los Angeles, Kern, Orange and Ventura Counties; Edwards AFB; Naval Weapons Center and Ordinance Test Station, China Lake.	100	.....	34	.....	134
Modesto	Stanislaus	54	.....	26	.....	80
Monterey	Monterey	74	.....	26	.....	100
Napa	Napa	66	.....	26	.....	92
Oakland	Alameda, Contra Costa and Marin	71	.....	34	.....	105
Ontario/Victorville/Barstow	San Bernardino	60	.....	26	.....	86
Palm Springs	Riverside	72	.....	34	.....	106
Redding	Shasta	58	.....	26	.....	84
Sacramento	Sacramento	66	.....	34	.....	100
San Diego	San Diego	77	.....	34	.....	111
San Francisco	San Francisco	92	.....	34	.....	126
San Jose	Santa Clara	65	.....	34	.....	99
San Luis Obispo	San Luis Obispo	54	.....	34	.....	88
San Mateo	San Mateo	67	.....	34	.....	101
Santa Barbara	Santa Barbara	77	.....	34	.....	111
Santa Cruz	Santa Cruz	73	.....	34	.....	107
Santa Rosa	Sonoma	54	.....	26	.....	80
South Lake Tahoe	El Dorado	66	.....	34	.....	100
Stockton	San Joaquin	53	.....	26	.....	79
Tahoe City	Placer	52	.....	34	.....	86
Vallejo	Solano	54	.....	26	.....	80
Visalia	Tulare	60	.....	26	.....	86
West Sacramento	Yolo	50	.....	26	.....	76
Yosemite Nat'l Park	Mariposa	66	.....	34	.....	102
COLORADO						
Aspen	Pitkin	115	.....	34	.....	149
Boulder	Boulder	62	.....	34	.....	96
Colorado Springs	El Paso	51	.....	26	.....	77
Denver	Denver, Adams, Arapahoe and Jefferson	74	.....	34	.....	108
Durango	La Plata	62	.....	26	.....	88
Glenwood Springs	Garfield	52	.....	26	.....	78
Grand Junction	Mesa	41	.....	26	.....	67
Gunnison	Gunnison	46	.....	26	.....	72
Keystone/Silverthorne	Summit	89	.....	34	.....	123
Montrose	Montrose	43	.....	26	.....	69
Pagosa Springs	Archuleta	48	.....	26	.....	74
Pueblo	Pueblo	46	.....	26	.....	72
Steamboat Springs	Routt	72	.....	26	.....	96
Vail	Eagle	134	.....	34	.....	168
CONNECTICUT						
Bridgeport/Danbury	Fairfield	71	.....	26	.....	97
Hartford	Hartford and Middlesex	68	.....	34	.....	102
New Haven	New Haven	67	.....	26	.....	93
New London/Groton	New London	62	.....	26	.....	66
Putnam/Danielson	Windham	63	.....	26	.....	89
Salisbury	Litchfield	60	.....	34	.....	94
DELAWARE						
Dover	Kent	51	.....	26	.....	77
Lewes	Sussex	50	.....	26	.....	76
Wilmington	New Castle	78	.....	26	.....	104
DISTRICT OF COLUMBIA						
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) (See also Maryland and Virginia.)		110	.....	34	.....	144
FLORIDA						
Altamonte Springs	Seminole	62	.....	26	.....	88
Bradenton	Manatee	60	.....	26	.....	86
Clewiston	Hendry	54	.....	26	.....	80

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Cocoa Beach	Brevard	82		26		88
Daytona Beach	Volusia	65		26		91
Fort Lauderdale	Broward	72		26		98
Fort Myers	Lee	74		26		100
Fort Pierce	Saint Lucie	57		26		83
Fort Walton Beach	Okaloosa	62		26		88
Gainesville	Alachua	52		26		78
Jacksonville	Duval County; Naval Station Mayport	49		26		75
Key West	Monroe	123		34		157
Kissimmee	Osceola	68		26		94
Lakeland	Polk	53		26		79
Miami	Dade	63		34		97
Naples	Collier	78		26		102
Orlando	Orange	63		28		89
Panama City	Bay	52		26		78
Pensacola	Escambia	54		26		80
Punta Gorda	Charlotte	62		26		88
Saint Augustine	Saint Johns	60		26		86
Sarasota	Sarasota	61		26		87
Stuart	Martin	68		28		94
Tallahassee	Leon	49		26		75
Tampa/St. Petersburg	Hillsborough and Pinellas	56		26		82
Vero Beach	Indian River	64		28		90
West Palm Beach	Palm Beach	69		34		103
GEORGIA						
Albany	Dougherty	51		26		77
Athens	Clarke	44		26		70
Atlanta	Clayton, De Kalb, Fulton and Cobb	79		34		113
Augusta	Richmond; Savannah River Plant	47		26		73
Brunswick	Glynn	45		26		71
Columbus	Muscogee	47		26		73
Macon	Bibb	44		26		70
Norcross/Lawrenceville	Gwinnett	56		26		82
Savannah	Chatham	49		26		75
St. Marys	Camden County; The Naval Submarine Base, Kings Bay	46		26		72
Warner Robins	Houston	44		26		70
Waycross	Ware	43		26		69
IDAHO						
Boise	Ada	49		26		75
Coeur d'Alene	Kootenai	51		26		77
Idaho Falls	Bonneville	43		26		69
Ketchum/Sun Valley	Blaine	66		26		92
Lewiston	Nez Perce	44		26		70
McCall	Valley	49		26		75
Pocatello	Bannock	45		26		71
Stanley	Custer	45		26		71
ILLINOIS						
Alton	Madison	46		26		74
Champaign/Urbana	Champaign	51		26		77
Chicago	Du Page, Cook and Lake	101		34		135
Danville	Vermilion	46		26		72
Dixon	Lee	45		26		71
East St. Louis	St. Clair	46		26		72
Joliet	Will	54		26		80
Macomb	McDonough	42		26		68
Mattoon	Coles	46		26		72
Peoria	Peoria	62		26		88
Rock Island/Moline	Rock Island	51		26		77
Rockford	Winnebago	55		26		81
Springfield	Sangamon	53		26		79
INDIANA						
Anderson	Madison	52		26		78
Bloomington	Monroe	49		26		75
Burlington Beach/Val-paraiso	Porter	52		26		78
Charlestown/Jeffersonville	Clark County; Indiana Army Ammunition Plant	57		26		83
Columbus	Bartholomew	44		26		70
Dale	Spencer	43		26		69
Elkhart	Elkhart	55		26		81
Evansville	Vanderburgh	49		26		75
Fort Wayne	Allen	57		26		83
Gary	Lake	52		26		78
Indianapolis	Marion County; Fort Benjamin Harrison	69		26		95
Jasper	Dubois	43		26		69
Lafayette	Tippecanoe	51		26		77
Logansport	Cass	47		26		73
Marion	Grant	44		26		70
Muncie	Delaware	55		26		81

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Nashville	Brown	57		26		83
New Albany	Floyd	43		26		69
Richmond	Wayne	42		26		68
South Bend	St. Joseph	60		26		86
Terre Haute	Vigo	51		26		77
IOWA						
Bettendorf/Davenport	Scott	54		26		80
Cedar Rapids	Linn	47		26		73
Des Moines	Polk	55		26		81
Dubuque	Dubuque	41		26		67
Iowa City	Johnson	48		26		74
Sioux City	Woodbury	45		26		71
Waterloo	Black Hawk	48		26		72
KANSAS						
Hays	Ellis	41		26		67
Kansas City	Johnson and Wyandotte (See also Kansas City, MO)	67		26		93
Manhattan	Riley	52		26		78
Topeka	Shawnee	47		26		73
Wichita	Sedgwick	62		26		88
KENTUCKY						
Ashland	Boyd	41		26		67
Bowling Green	Warren	44		26		70
Covington	Kenton	48		26		74
Frankfort	Franklin	44		26		70
Florence	Boone	48		26		74
Hopkinsville	Christian County; Fort Campbell	45		26		71
Lexington	Fayette	52		26		78
Louisville	Jefferson	57		26		83
Owensboro	Daviess	45		26		71
Paducah	McCracken	43		26		69
Pikeville	Pike	42		26		68
Prestonsburg	Floyd	43		26		69
LOUISIANA						
Alexandria	Rapides Parish	45		26		71
Baton Rouge	East Baton Rouge Parish	51		26		77
Bossier City	Bossier Parish	57		26		83
Gonzales	Ascension Parish	51		26		77
Lafayette	Lafayette Parish	50		26		76
Lake Charles	Calcasieu Parish	43		26		69
Monroe	Ouachita Parish	46		26		72
New Orleans	Parishes of Jefferson, Orleans, Plaquemines and St. Bernard.	65		34		99
Shreveport	Caddo Parish	57		26		83
Slidell	St. Tammany Parish	43		26		69
MAINE						
Auburn	Androscoggin	56		26		82
Augusta	Kennebec	53		26		79
Bangor	Penobscot	60		26		86
Bar Harbor	Hancock	60		26		86
Bath	Sagadahoc	64		26		90
Kittery	Portsmouth Naval Shipyard (See also Portsmouth, NH)	64		26		90
Portland	Cumberland	67		26		93
Presque Isle	Aroostook	44		26		70
Rockport	Knox	66		26		92
Kennebunk/Sanford	York	54		26		80
Wiscasset	Lincoln	48		26		74
MARYLAND						
(For the counties of Montgomery and Prince Georges, see District of Columbia.)						
Annapolis	Anne Arundel	75		34		109
Baltimore	Baltimore and Harford	78		34		112
Columbia	Howard	87		34		121
Cumberland	Allegany	49		26		75
Easton	Talbot	52		26		78
Frederick	Frederick	54		26		80
Hagerstown	Washington	55		26		81
Lexington Park/St.Inigoes/Leonardtown	St. Marys	54		26		80
Lusby	Calvert	58		26		84
Ocean City	Worcester	92		34		126
Salisbury	Wicomico	53		26		79
Waldorf	Charles	54		26		80
MASSACHUSETTS						
Andover	Essex	81		34		115
Boston	Suffolk	97		34		131
Greenfield	Franklin	60		26		86
Hyannis	Barnstable	80		26		106
Lowell	Middlesex	81		34		115

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2 3]					
Martha's Vineyard/Nantucket	Dukes and Nantucket	114		34		148
Northampton	Hampshire	59		28		85
Pittsfield	Berkshire	56		26		82
Plymouth	Plymouth	92		26		118
Quincy	Norfolk	81		34		115
Springfield	Hampden	64		26		90
Taunton/New Bedford	Bristol	56		28		82
Worcester	Worcester	61		28		87
MICHIGAN						
Adrian	Lenawee	46		26		72
Alpena	Alpena	42		26		68
Ann Arbor	Washtenaw	65		26		91
Battle Creek	Calhoun	47		26		73
Bay City	Bay	50		26		76
Bellaire	Antrim	51		28		77
Boyne City	Charlevoix	62		26		88
Cadillac	Wexford	51		26		77
Detroit	Wayne	80		34		114
Drummond Island	Chippewa	52		28		78
Escanaba	Delta	44		26		70
Flint	Genesee	45		26		71
Frankfort	Benzie	49		26		75
Gaylord	Otsego	54		26		80
Grand Rapids	Kent	60		26		86
Grayling	Crawford	54		26		80
Holland	Ottawa	51		26		77
Houghton Lake	Roscommon	54		26		80
Jackson	Jackson	49		26		75
Kalamazoo	Kalamazoo	58		28		84
Lansing/East Lansing	Ingham	52		26		78
Leland	Leelanau	57		26		83
Ludington	Mason	54		26		80
Mackinac Island	Mackinac	63		26		89
Manistee	Manistee	51		26		77
Marquette	Marquette	41		26		67
Midland	Midland	54		26		80
Monroe	Monroe	41		26		67
Mount Pleasant	Isabella	43		26		69
Muskegon	Muskegon	49		26		75
Pontiac	Oakland	58		26		84
Port Huron	St. Clair	43		26		69
Saginaw	Saginaw	51		26		77
South Haven	Van Buren	52		26		78
St. Joseph/Benton Harbor/Niles	Berrien	48		26		74
Tawas City	Iosco	43		26		69
Traverse City	Grand Traverse	85		26		111
Warren	Macomb	47		26		73
MINNESOTA						
Albert Lea	Freeborn	44		26		70
Austin	Mower	41		26		67
Bemidji	Beltrami	42		26		68
Brainerd	Crow Wing	48		26		72
Duluth	St. Louis	49		26		75
Fergus Falls	Otter Tail	57		26		83
Grand Rapids	Itasca	45		26		71
Mendota Heights	Dakota	59		26		85
Minneapolis/St. Paul	Anoka, Hennepin, and Ramsey Counties; Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), Rosemount.	62		26		88
Rochester	Olmsted	56		28		82
St. Cloud	Stearns	44		26		70
Winona	Winona	41		26		67
MISSISSIPPI						
Gulfport/Pascagoula/Bay St. Louis	Harrison, Jackson, and Hancock	49		26		75
Jackson	Hinds	52		26		78
Natchez	Adams	47		26		73
Oxford	Lafayette	44		26		70
Vicksburg	Warren	45		26		71
MISSOURI						
Branson	Taney	53		26		79
Cape Girardeau	Cape Girardeau	43		26		69
Columbia	Boone	50		26		76
Hannibal	Marion	44		26		70
Jefferson City	Cole	49		26		75
Joplin	Jasper	44		26		70
Kansas City	Clay, Jackson and Platte (See also Kansas City, KS)	67		26		93
Lake Ozark	Miller	52		28		78

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Osage Beach	Camden	64		26		90
Springfield	Greene	56		26		82
St. Louis	St. Charles and St. Louis	69		26		95
MONTANA						
Billings	Yellowstone	45		26		71
Great Falls	Cascade	47		26		73
Helena	Lewis and Clark	41		26		67
NEBRASKA						
Kearney	Buffalo	42		26		68
Lincoln	Lancaster	47		26		73
North Platte	Lincoln	41		26		67
Omaha	Douglas	55		26		81
NEVADA						
Elko	Elko	50		26		76
Las Vegas	Clark County; Nellis AFB	69		34		103
Lovelock	Pershing	45		26		71
Reno	Washoe	50		26		76
Winnemucca	Humboldt	46		26		72
NEW HAMPSHIRE						
Concord	Merrimack	56		26		82
Conway	Carroll	81		26		107
Durham	Strafford	73		26		99
Laconia	Belknap	66		28		92
Manchester	Hillsborough	68		26		94
Plymouth	Grafton	54		26		80
Portsmouth/Newington	Rockingham County; Pease AFB (See also Kittery, ME)	64		26		90
NEW JERSEY						
Atlantic City	Atlantic	107		34		141
Belle Mead	Somerset	62		26		88
Camden	Camden	63		26		89
Dover	Morris County; Picatinny Arsenal	64		26		90
Edison	Middlesex	63		34		97
Freehold/Eatontown	Monmouth County; Fort Monmouth	68		34		102
Millville	Cumberland	53		26		79
Moorestown	Burlington	69		26		95
Newark	Bergen, Essex, Hudson, Passaic and Union	87		34		121
Ocean City/Cape May	Cape May	96		34		130
Princeton/Trenton	Mercer	80		34		114
Salem	Salem	61		26		87
Tom's River	Ocean	79		26		105
NEW MEXICO						
Albuquerque	Bernalillo	59		26		85
Artesia	Eddy	45		26		71
Cloudcroft	Otero	64		34		98
Farmington	San Juan	53		26		79
Gallup	McKinley	49		26		75
Grants	Cibola	41		26		67
Las Cruces/White Sands	Dona Ana	44		26		70
Las Vegas	San Miguel	44		26		70
Los Alamos	Los Alamos	52		26		78
Raton	Colfax	57		26		83
Roswell	Chaves	41		26		67
Santa Fe	Santa Fe	73		34		107
Silver City	Grant	42		26		68
Taos	Taos	63		26		89
Tucumcari	Quay	46		26		72
NEW YORK						
Albany	Albany	64		26		90
Auburn	Cayuga	56		26		82
Batavia	Genesee	56		26		82
Binghamton	Broom	58		26		84
Buffalo	Erie	68		26		94
Canton	St. Lawrence	52		28		78
Catskill	Greene	48		26		74
Corning	Steuben	60		26		86
Elmira	Chemung	54		26		80
Glens Falls	Warren	56		26		82
Ithaca	Tompkins	61		26		87
Jamestown	Chautauqua	43		26		69
Kingston	Ulster	56		26		82
Lake Placid	Essex	78		26		104
Monticello	Sullivan	55		34		89
New York City	The boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island; Nassau and Suffolk Counties.	140		34		174
Niagara Falls	Niagara	82		26		108
Owego	Tioga	44		26		70

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Palisades	Rockland	58		26		84
Poughkeepsie	Dutchess	68		26		94
Rochester	Monroe	66		26		92
Romulus	Seneca	66		26		92
Saratoga Springs	Saratoga	62		34		96
Schenectady	Schenectady	62		26		88
Syracuse	Onondaga	63		26		89
Troy	Rensselaer	62		26		88
Utica	Oneida	59		26		85
Watertown	Jefferson	56		26		82
Watkins Glen	Schuyler	72		26		98
West Point	Orange	50		26		76
White Plains	Westchester	104		34		138
NORTH CAROLINA						
Asheville	Buncombe	52		26		78
Boone	Watauga	42		26		68
Charlotte	Mecklenburg	63		26		89
Duck	Dare	71		26		97
Elizabeth City	Pasquotank	53		26		79
Fayetteville	Cumberland	42		26		68
Greensboro/High Point	Guilford	54		26		80
Greenville	Pitt	59		26		85
Havelock	Craven	43		26		69
Jacksonville	Onslow	42		26		68
Kinston	Lenoir	47		26		73
Morehead City	Carteret	58		26		34
Raleigh/Durham/ Chapel Hill	Wake, Durham and Orange	66		26		92
Wilmington	New Hanover	48		26		74
Winston-Salem	Forsyth	53		26		79
NORTH DAKOTA						
Bismarck	Burleigh	44		26		70
Fargo	Cass	55		26		81
Grand Forks	Grand Forks	46		26		72
Minot	Ward	48		26		74
OHIO						
Akron	Summit	59		26		85
Bellevue/Norwalk	Huron	55		26		81
Chillicothe	Ross	45		26		71
Cincinnati/Evendale	Hamilton and Warren	60		26		86
Cleveland	Cuyahoga	76		34		110
Columbus	Franklin	68		26		94
Dayton	Montgomery County; Wright-Patterson AFB	63		26		89
Defiance	Defiance	46		26		72
East Liverpool	Columbiana	47		26		73
Elyria	Lorain	51		26		77
Fairfield/Hamilton	Butler	53		26		79
Findlay	Hancock	44		26		70
Geneva	Ashtabula	57		26		83
Lancaster	Fairfield	44		26		70
Lima	Allen	43		26		69
Port Clinton/Oakharbor	Ottawa	61		26		87
Portsmouth	Scioto	48		26		74
Sandusky	Erie	76		26		102
Springfield	Clark	48		26		74
Tinney/Fremont	Sandusky	47		26		73
Toledo	Lucas	53		26		79
Wapakoneta	Auglaize	46		26		72
OKLAHOMA						
Ada	Pontotoc	45		26		71
Lawton	Comanche	45		26		71
Norman	Cleveland	45		26		71
Oklahoma City	Oklahoma	49		26		75
Stillwater	Payne	44		26		70
Tulsa/Bartlesville	Osage, Tulsa and Washington	52		26		78
OREGON						
Beaverton	Washington	55		26		81
Bend	Deschutes	49		26		75
Clackamas	Clackamas	54		26		80
Coos Bay	Coos	45		26		71
Eugene	Lane	52		26		78
Gold Beach	Curry	52		26		78
Lincoln City/Newport	Lincoln	57		26		83
Portland	Multnomah	65		26		91
Salem	Marion	47		26		73
Seaside	Clatsop	75		26		101

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
PENNSYLVANIA						
Allentown	Lehigh	58		26		84
Altoona	Blair	47		26		73
Bloomsburg	Columbia	47		26		73
Du Bois	Clearfield	51		26		77
Easton	Northampton	64		26		90
Erie	Erie	53		26		79
Gettysburg	Adams	58		26		84
Harrisburg	Dauphin	69		26		95
Johnstown	Cambria	55		26		81
King of Prussia/Ft. Washington	Montgomery County, except Bala Cynwyd (See also Philadelphia, PA).	83		34		117
Lancaster	Lancaster	64		26		90
Lebanon	Lebanon County; Indian Town Gap Military Reservation	51		26		77
Mansfield	Tioga	49		26		75
Mechanicsburg	Cumberland	52		26		78
Mercer	Mercer	54		26		80
Philadelphia	Philadelphia County; city of Bala Cynwyd in Montgomery County.	89		34		123
Pittsburgh	Allegheny	73		26		99
Radnor/Chester	Delaware	83		34		117
Reading	Berks	51		26		77
Scranton	Lackawanna	57		26		83
Shippingport	Beaver	45		26		71
Somerset	Somerset	58		26		84
State College	Centre	52		26		78
Stroudsburg	Monroe	51		26		77
Uniontown	Fayette	73		26		99
Valley Forge	Chester	83		34		117
Warminster	Bucks County; Naval Air Development Center	56		26		82
Wilkes-Barre	Luzerne	54		26		80
Williamsport	Lycoming	45		26		71
York	York	60		26		86
RHODE ISLAND						
East Greenwich	Kent County; Naval Construction Battalion Center, Davisville	77		26		103
Newport	Newport	98		34		132
Providence	Providence	78		26		104
Quonset Point	Washington	46		26		74
SOUTH CAROLINA						
Aiken	Aiken	41		26		67
Charleston	Charleston and Berkeley	59		26		85
Columbia	Richland	53		26		79
Florence	Florence	41		26		67
Greenville	Greenville	43		26		69
Hilton Head	Beaufort	86		34		120
Myrtle Beach	Horry County; Myrtle Beach AFB	74		26		100
Rock Hill	York	46		26		72
Spartanburg	Spartanburg	49		26		75
SOUTH DAKOTA						
Custer	Custer	50		26		76
Hot Springs	Fall River	64		26		90
Rapid City	Pennington	63		26		89
Sioux Falls	Minnehaha	51		26		77
Spearfish	Lawrence	52		26		76
TENNESSEE						
Chattanooga	Hamilton	45		26		71
Clarksville	Montgomery	43		26		69
Columbia	Maury	49		26		75
Gatlinburg	Sevier	63		26		89
Johnson City	Washington	54		26		80
Kingsport/Bristol	Sullivan	45		26		71
Knoxville	Knox County; city of Oak Ridge	53		26		79
Memphis	Shelby	56		26		82
Murfreesboro	Rutherford	44		26		70
Nashville	Davidson	52		26		78
Shelbyville	Bedford	52		26		76
TEXAS						
Abilene	Taylor	45		26		71
Amarillo	Potter	51		26		77
Austin	Travis	64		26		90
Bay City	Matagorda	41		26		67
Beaumont	Jefferson	44		26		70
Brownsville	Cameron	55		26		81
Brownwood	Brown	42		26		68
College Station/Bryan	Brazos	47		26		73
Corpus Christi	Nueces	62		26		88
Dallas/Fort Worth	Dallas and Tarrant	74		34		108

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2 3]					
Denton	Denton	47		26		73
El Paso	El Paso	58		26		84
Galveston	Galveston	64		26		90
Granbury	Hood	59		26		85
Houston	Harris County; L. B. Johnson Space Center and Ellington AFB.	73		34		107
Kingsville	Kleberg	41		26		67
Lajitas	Brewster	56		26		82
Laredo	Webb	53		26		79
Longview	Gregg	47		26		73
Lubbock	Lubbock	58		26		84
Lufkin	Angelina	41		26		67
McAllen	Hidalgo	55		26		81
Midland/Odessa	Ector and Midland	52		26		78
Nacogdoches	Nacogdoches	46		26		72
Plainview	Hale	45		26		71
Plano	Collin	74		26		100
San Angelo	Tom Green	45		26		71
San Antonio	Bexar	61		26		87
Temple	Bell	50		26		76
Victoria	Victoria	44		26		70
Waco	McLennan	48		26		74
Wichita Falls	Wichita	46		26		72
UTAH						
Bullfrog	Garfield	85		26		111
Cedar City	Iron	50		26		76
Salt Lake City/Ogden	Salt Lake, Weber, and Davis Counties; Dugway Proving Ground and Tooele Army Depot.	70		26		96
St. George	Washington	44		26		70
VERMONT						
Burlington	Chittenden	63		26		89
Middlebury	Addison	57		26		83
Montpelier	Washington	45		26		71
Rutland	Rutland	57		26		83
White River Junction	Windsor	56		26		82
VIRGINIA						
(For the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington, Fairfax, and Loudoun, see District of Columbia.)						
Amissville	Rappahannock	51		26		77
Blacksburg	Montgomery	57		26		83
Bristol *		46		26		72
Charlottesville *		53		26		79
Covington *		42		26		68
Fredericksburg *		44		26		70
Lexington *		48		26		74
Lynchburg *		51		26		77
Manassas/Manassas Park *	Prince William	55		26		81
Norfolk * (also Virginia Beach, Portsmouth, Hampton, Newport News, and Chesapeake)*.	York County; Naval Weapons Station, Yorktown	68		26		94
Petersburg *	Fort Lee	44		26		70
Richmond *	Chesterfield and Henrico Counties; also Defense Supply Center.	58		26		84
Roanoke *	Roanoke	54		26		80
Staunton *		43		26		69
Wallops Island	Accomack	57		26		83
Warrenton	Fauquier	51		26		77
Williamsburg *		68		34		102
Wintergreen	Nelson	68		26		94
*Denotes Independent cities.						
WASHINGTON						
Anacortes	Skagit	56		26		82
Bellingham	Whatcom	56		26		82
Bremerton	Kitsap	43		26		69
Kelso/Longview	Cowlitz	46		26		72
Lynnwood/Everett	Snohomish	60		26		86
Ocean Shores	Grays Harbor	48		26		74
Port Angeles	Clallam	60		26		86
Richland	Benton	44		26		70
Seattle	King	79		34		113
Spokane	Spokane	50		26		76
Tacoma	Pierce	52		26		78
Tumwater/Olympia	Thurston	59		26		85
Vancouver	Clark	56		26		82
Whidbey Island	Island	47		26		73
Yakima	Yakima	44		26		70
WEST VIRGINIA						
Beckley	Raleigh	45		26		71

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Berkeley Springs	Morgan	52		26		78
Charleston	Kanawha	52		26		78
Harpers Ferry	Jefferson	53		26		79
Huntington	Cabell	51		26		77
Martinsburg	Berkeley	49		26		75
Morgantown	Monongalia	49		26		75
Wheeling	Ohio	44		26		70
WISCONSIN						
Brookfield	Waukesha	62		26		88
Eau Claire	Eau Claire	48		26		74
Green Bay	Brown	53		26		79
Kewaunee	Kewaunee	58		26		84
La Crosse	La Crosse	52		26		78
Lake Geneva	Walworth	81		26		107
Madison	Dane	58		26		84
Marinette	Marinette	44		26		70
Milwaukee	Milwaukee	63		26		89
Minocqua/Rhinelander	Oneida	48		26		74
Mishicot	Manitowoc	55		26		81
Oshkosh	Winnebago	55		26		81
Sheboygan	Sheboygan	43		26		69
Sturgeon Bay	Door	54		26		80
Wausau	Marathon	48		26		74
Wautoma	Waushara	49		26		75
Wisconsin Dells	Columbia	67		26		93
WYOMING						
Cheyenne	Laramie	45		26		71
Cody	Park	50		26		76
Gillette	Campbell	42		26		68
Jackson	Teton	60		26		86
Thermopolis	Hot Springs	42		26		68

[1] Unless otherwise specified, the per diem locality is defined as "all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries."

[2] Per diem localities with county definitions shall include "all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties."

[3] Military installations or Government-related facilities (whether or not specifically named) that are located partially within the city or county boundary shall include "all locations that are geographically part of the military installation or Government-related facility, even though part(s) of such activities may be located outside the defined per diem locality."

[4] Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be surveyed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Federal Supply Service, Attn: Transportation Management Division (FBX), Washington, DC 20406. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus or subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the locations.

Dated: February 18, 1992.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 92-4521 Filed 2-26-92; 8:45 am]

BILLING CODE 6820-24-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-422; RM-6867; RM-7039, and RM-7099]

FM Radio Broadcasting Services; Mary Esther, Apalachicola, and Crawfordville, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission grants the requests of Holladay Broadcasting Company, Inc., licensee of Station WYZB(FM), Channel 288A, Mary Esther, Florida, to upgrade its station by substituting Channel 288C3 and by modifying its license to operate on Channel 288C3; and of Wakulla Broadcasting Associates to allot Channel 231A to Crawfordville, Florida to provide that community with its first local FM broadcast service. The Commission dismisses the request of B.F.J. Timm, permittee of Station WAPY(FM), Channel 288A, Apalachicola, Florida, to upgrade its station on Channel 288C2. See 54 FR 41126, October 5, 1989. Channel 288C3 can be allotted to Mary Esther in compliance with the Commission's minimum distance separation requirements using a site restricted to 19.8 kilometers (12.3 miles) east of Mary Esther at coordinates North Latitude 30-23-30 and West Longitude 86-27-30. Channel 231A can be allotted at Crawfordville in compliance with the Commission's minimum distance separations requirements using a site restricted to 11.6 kilometers (7.2 miles) south southeast of Crawfordville at coordinates North Latitude 30-04-54 and West Longitude 84-19-27. With this action, the proceeding is terminated.

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

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 89-422, 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 FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC 20554. The complete

text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 288A and adding Channel 288C3 at Mary Esther, and by adding Crawfordville, Channel 231A.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 92–4065 Filed 2–26–92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176–2018]

Groundfish of the Gulf of Alaska

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

ACTION: Notice of change in recordkeeping and reporting requirements.

SUMMARY: NMFS has determined that Daily Production Reports must be submitted by processor vessels and shoreside processing facilities that catch groundfish in, or receive groundfish from the Western Regulatory Area of the Gulf of Alaska (GAO). This action is necessary to prevent exceeding the total allowable catches (TACs) for pollock, Pacific cod, and other groundfish species. The intent of this action is to ensure optimum use of groundfish, while conserving individual stocks.

EFFECTIVE DATES: From 00:01, Alaska local time (A.l.t.), February 21, 1992, until 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs the groundfish fishery in the exclusive economic zone in the GOA under the Magnuson Fishery Conservation and Management Act. The FMP is prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

Under § 672.5(c)(3)(i), the Director, Alaska Region, NMFS (Regional Director), is requiring processor vessels and shoreside processing facilities that catch groundfish in, or receive groundfish from, the Western Regulatory Area of the GOA, including all waters of Reporting Area 61, to submit Daily Production Reports in addition to weekly production reports. Daily Production Reports are required from 00:01, A.l.t., February 21, 1992, through December 31, 1992, or until the Regional Director determines that these reports are no longer necessary.

Fishing effort by trawl vessels in the GOA is not expected to follow any previous year's pattern. Recent trawl closures to pollock and Pacific cod in the Bering Sea/Aleutian Islands may result in increased trawl presence in the Western Regulatory Area of the GOA. Daily Production Reports are necessary to provide NMFS the means to monitor groundfish catches during fast-paced fisheries that are expected in the Western Regulatory Area of the GOA.

Daily Production Reports must include all information required by § 672.5(c)(3)(ii) for groundfish harvested from reporting area 61. Processors must submit the required information on the "Alaska Groundfish Processor Daily Production Report" (Daily Production Report) form available in the processors' recordkeeping reference manual or from the Regional Director at the address listed in the manual.

Processors must transmit their completed Daily Production Reports to the Regional Director by facsimile transmission to number (907) 586–7131 or by telex (U.S. code) at 6229600 no later than 12 hours after the end of the day the groundfish was processed.

If, and when the Regional Director determines that these reports are no longer necessary, he may rescind the requirement for Daily Production Reports. Criteria used to assess the need for the reports include the instability of effort and harvest rates in the groundfish fisheries and the remaining amounts of TAC in each fishery.

Classification

The Assistant Administrator finds that reasons justifying promulgation of this action also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under sections 553 (b) and (d) of the Administrative Procedure Act. Intense fishing effort without Daily Production Reports would risk exceeding the TAC for several groundfish fisheries.

This action is taken under § 672.5, and complies with Executive Order 12291.

The collection-of-information requirement contained in this notice was approved by the Office of Management and Budget (OMB) as a revision to OMB No. 0648–213 (56 FR 9636; March 7, 1991).

List of Subjects in 50 CFR Part 672

Fisheries, Recordkeeping and reporting requirements.

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

Dated: February 21, 1992.

Richard H. Schaefer,

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

[FR Doc. 92–4414 Filed 2–21–92; 3:29 pm]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 911172–2021]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of closure to directed fishing.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the first seasonal allowance of prohibited species catch (PSC) of Pacific halibut for the domestic annual processing (DAP) rock sole fishery in the Bering Sea and Aleutian Islands management area (BSAI) has been caught. NMFS is prohibiting directed fishing for rock sole by vessels using trawl gear in the BSAI. This action is necessary to prevent the first seasonal allowance of Pacific halibut to the DAP rock sole fishery from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving halibut stocks.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), February 23, 1992, through midnight, A.l.t., March 29, 1992.

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

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP)

governs the groundfish fishery in the exclusive economic zone within the BSAI under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.93 and parts 620 and 675.

Regulations appearing at § 675.21(a)(5), establish the secondary PSC mortality limit of Pacific halibut caught while conducting any domestic annual harvest trawl fishery for groundfish in the BSAI during any fishing year as an amount of Pacific halibut equivalent to 5,333 metric tons (mt). Further, § 675.21(b) provides that the PSC limit of Pacific halibut may be apportioned to fishery categories on a seasonal basis. Under § 675.21(b)(4), one such category is the DAP rock sole fishery. The final notice of initial specifications of BSAI groundfish for 1992 (57 FR 3952, February 3, 1992) established the 1992 first seasonal Pacific halibut bycatch allowance in the DAP rock sole fishery as 600 mt.

Under § 675.21(c)(1)(iv), the Regional Director has determined that U.S. fishing vessels using trawl gear have caught the 1992 first seasonal PSC allowance of Pacific halibut in the BSAI while participating in the DAP rock sole fishery. NMFS is publishing this notice in the Federal Register closing the BSAI to directed fishing for rock sole from 12 noon, A.l.t., February 23, 1992, through 12 midnight, A.l.t., March 29, 1992.

In accordance with § 675.20(h)(1), after this closure, vessels using trawl gear may not retain at any time during a trip an amount of rock sole equal to or greater than 20 percent of the aggregate catch of the other fish retained at the same time during the same trip as measured in round weight equivalents.

Classification

This action is taken under § 675.21, and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 675

Fish, Fisheries, Recordkeeping and reporting requirements.

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

Dated: February 21, 1992.

David S. Crestin,

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

[FR Doc. 92-4413 Filed 2-21-92; 3:28 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 39
Thursday, February 27, 1992

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-CE-05-AD]

Airworthiness Directives; Garrett AiRResearch Aircraft Starters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to all aircraft equipped with Garrett AiRResearch aircraft starters. The proposed action would require an inspection of owner/operator parts procurement records to determine if any aircraft starters have been procured from Classic Aviation, Inc., removal of any such installed aircraft starter, and replacement with an approved part. The Federal Aviation Administration (FAA) has received reports of improperly overhauled aircraft starters distributed by Classic Aviation, Inc., having been installed on certain airplanes. The Federal Aviation Administration cannot determine the fatigue life and structural soundness of these starters. The actions specified by this AD are intended to prevent in-service fatigue or structural failures of the aircraft starter, which could result in an in-flight fire or loss of control of the airplane.

DATES: Comments must be received on or before May 6, 1992.

ADDRESSES: Information that is applicable to this AD may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-05-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349; Telephone (404) 991-6137; Facsimile (404) 991-3606.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92-CE-05-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-05-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has determined that Classic Aviation, Inc., has distributed improperly overhauled Garrett AiRResearch aircraft starters, which could be installed on certain airplanes that include, but are not limited to, Boeing Models 707, 727, and 737 airplanes and McDonnell Douglas Models DC-8, DC-9, and DC-10 airplanes. These aircraft starters were overhauled though the use of unapproved methods and procedures, and the installation of unapproved parts, and then distributed by Classic Aviation, Inc. The FAA has determined that the fatigue life and structural soundness of these improperly overhauled aircraft starters cannot be ensured.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent in-service fatigue or structural failures of the aircraft starter, which could result in an in-flight fire or loss of control of the airplane. Since the condition described is likely to exist or develop in other aircraft equipped with Garrett AiRResearch aircraft starters of the same type design, the proposed AD would require an inspection of the owner/operator parts procurement records to determine if any aircraft starters have been procured from Classic Aviation, Inc., removal of any such installed aircraft starter, and replacement with an approved part.

The compliance time in paragraph (a) of the proposed AD would be 30 calendar days to allow the owner/operator a grace period to inspect the procurement records. This grace period does not constitute FAA approval that the part is safe for operation during this time.

The FAA has no way of determining how many airplanes may have these improperly overhauled aircraft starters installed. If an aircraft starter that was distributed by Classic Aviation, Inc., is found as a result of the proposed inspection of the procurement records as specified in paragraph (a) of the proposed AD, the installation of a new or approved overhauled aircraft starter would be required. The parts for this possible installation would cost approximately $7,500. It is estimated that it would take .5 workhours to accomplish the possible installation at an average labor rate of $55. The possible replacement would cost approximately $7,527.50 (parts plus labor) per airplane. Because the FAA is unable to determine how many airplanes have these unapproved

overhauled aircraft starters installed or how many have been distributed by Classic Aviation, Inc., a cost impact for all U.S. operators is not available.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Garrett AirResearch: Docket No. 92–CE–05–AD.

Applicability: All aircraft equipped with Garrett AirResearch aircraft starters that are installed in, but not limited to, Boeing Models 707, 727, and 737 airplanes and McDonnell Douglas Models DC–8, DC–9, and DC–10 airplanes, certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent in-service fatigue or structural failures of the aircraft starter, which could result in an in-flight fire or less of control of the airplane, accomplish the following:

Note 1: The 30-calendar day compliance time specified in paragraph (a) of this AD is a grace period and does not constitute FAA approval that the part is safe for operation during this time.

(a) Within the next 30 calendar days (see NOTE 1) after the effective date of this AD, inspect the owner/operator parts procurement records dated from January 1, 1987 to the effective date of this AD, and identify any of the following aircraft starter part numbers that have been distributed by Classic Aviation, Inc.:

355290–1–1
355740–1–1
355760–3–1
356364–1–1, 356364–8–2, and 356364–8–3
356564–3–1
383042–4–1
383152–1–2, 383152–16–1, and 383152–19–1
383222–1–1 and 383222–4–1
383342–1–1, 383342–2–1, and 383342–4–1
383350–1–1
383370–1–1, 383370–2–1, 383370–3–1, 383370–4–1, 383370–5–1, 383370–6–1, 383370–7–1, and 383370–8–1
383642–1–1
383780–1–1
384022–5–1 and 380422 (all dash numbers)

(b) If any of the starters referenced in paragraph (a) of this AD are identified as being distributed by Classic Aviation, Inc., within the next 50 hours time-in-service after the procurement records inspection required by paragraph (a) of this AD, replace any such installed aircraft starter with a new aircraft starter, or overhaul any such installed aircraft starter through an authorized repair station.

(c) This AD does not constitute FAA approval of Garrett AirResearch aircraft starters that have been distributed by Classic Aviation, Inc., and the affected aircraft is still subject to the maintenance, preventive maintenance, rebuilding, and alteration requirements of FAR 43.

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

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

(f) All persons affected by this directive may examine information that is applicable to this AD at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 21, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–4464 Filed 2–26–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

28 CFR Part 23

Proposed Revision to the Office of Justice Programs, Criminal Intelligence Systems Operating Policies

AGENCY: Office of Justice Programs, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The regulation governing criminal intelligence systems operating through support under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, has been in effect and unchanged since September 17, 1980. The regulation, 28 CFR part 23, being revised to update basic authority citations and nomenclature, to clarify the applicability of the regulation, to define terms, and to modify a number of the regulation's operating policies and funding guidelines.

DATES: Comments must be received on or before 5 p.m., E.D.T. on April 27, 1992.

ADDRESSES: Comments should be sent to: the Office of the Assistant Attorney General, Office of Justice Programs, 633 Indiana Ave., NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: John J. Wilson, Associate General Counsel, Office of Justice Programs, 633 Indiana Ave., NW., room 1246E, Washington, DC 20531, Telephone (202) 307–0793.

SUPPLEMENTARY INFORMATION: The statutory authorities for this regulation are section 801(a) and section 812(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (the Act), 42 U.S.C. 3782(a) and 3789(c). The latter section provides as follows:

Confidentiality of Information

Sec. 812. . . .

(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office of Justice Programs and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

This statutory provision and its implementing systems funded under title

I of the Act, whether the system operates for the benefit of a single law enforcement agency, is an interjurisdictional intelligence system, is funded with discretionary grant funds, or is funded by a State with formula grant funds awarded under the Act's Drug Control and System Improvement Grant Program pursuant to part E, subpart 1 of the Act, 42 U.S.C. 3751–3759.

The need for change to 28 CFR part 23 grew out of the program experience of the Office of Justice Programs (OJP) and its component agency, the Bureau of Justice Assistance (BJA), with the regulation and the changing and expanding law enforcement agency need to respond to criminal mobility, the National drug program, the increased complexity of criminal networks and conspiracies, and the limited funding available to State and local law enforcement agencies. In addition, law enforcement's capability to perform intelligence data base and analytical functions has been enhanced by technological advancements and sophisticated analytical techniques.

28 CFR part 23 governs the basic requirements of the intelligence system process. The process includes—

1. Information submission or collection
2. Secure storage
3. Inquiry and search capability
4. Controlled dissemination, and
5. Purge and review process

Any information system that receives, stores and disseminates information on individuals or organizations based on their involvement in criminal activity is a criminal intelligence system under the regulation. The definition includes both systems that store detailed information on the criminal activities of subjects and those which store only information designed to identify individuals or organizations that are the subject of an injury or analysis (a so-called "pointer system").

There are eight significant areas of change to the regulation:

(1) Nomenclature changes (name of part, authority citations, organizational names) are included to bring the regulation up to date.

(2) Definitions of terms (28 CFR 23.3(b)) are modified or added as appropriate. The term "intelligence system" is redefined to clarify the fact that historical telephone toll files, analytical information, and work products that are not either retained, stored, or exchanged are excluded from the definition, and hence are not covered by the regulation; the terms "interjurisdictional intelligence system", "criminal intelligence information", "participating agency", "intelligence project", and "validation of information" are key terms that are defined in the regulation for the first time.

(3) The operating principles for intelligence systems (28 CFR 23.20) are modified to define the term "reasonable suspicion" or "criminal predicate". The finding of reasonable suspicion is a threshold requirement for entering intelligence information on an individual or organization into an intelligence data base (28 CFR 23.20(c)). This determination, as well as determinations that information was legally obtained (28 CFR 23.20(d)) and that a recipient of the information has a need to know and/or a right to know the information in the performance of a law enforcement function (28 CFR 23.20(e)), are established as the responsibility of the project for an interjurisdictional intelligence system. However, the regulation permits these responsibilities to be delegated to a properly trained participating agency which is subject to project inspection and audit (28 CFR 23.20 (c), (d), (g)).

(4) Security requirements are established to protect the integrity of the intelligence data base and the information stored in the data base (28 CFR 23.20(g)(1) (i)–(vi)).

(5) The proposed regulation provides that information retained in the system must be reviewed and validated for continuing compliance with system submission criteria within a 5-year retention period. The current regulation provides a 2-year retention period, during which information can be disseminated without validation, but requires validation of information retained beyond two years before it can be disseminated. Thus, under the current regulation, information can be retained in a system indefinitely, a situation presenting a potential ongoing threat to individual privacy. The proposed regulation would permit information to be retained for a more realistic 5-year period but require that any information not validated within that period must be purged from the system (28 CFR 23.20(h)).

(6) Another proposed change would continue the general prohibition of direct remote terminal access to intelligence information in a funded intelligence system but would provide an exception for systems which obtain express OJP approval based on a determination that the system has adequate policies and procedures in place to insure that access to system intelligence information is limited to authorized system users (28 CFR 23.20(i)(1)). This change is important because of the information demands brought on by the war on drugs. Effective law enforcement response requires a 24-hour a day response capability and fast turn-around. At the same time, technological advancements enable intelligence projects to monitor system access as well as to program for system security and audit capacity. OJP would carefully review all requests for exception to assure that a need exists and that system integrity will be provided and maintained (28 CFR 23.20(i)(1)).

(7) The proposed regulation would require participating agencies to maintain back-up files for information submitted to an interjurisdictional intelligence system, establish that such files must comply with the operating principles and provide for inspection and audit by project staff (28 CFR 23.20(h)).

(8) The funding guidelines (28 CFR 23.30) are revised to permit funded intelligence systems to collect information either on organized criminal activity that represents a significant and recognized threat to the population or on criminal activity that is multi-jurisdictional in nature.

Executive Order 12291

These regulations are not a "major rule" as defined by section 1(b) of Executive Order No. 12291, 3 CFR part 127 (1981), because they do not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Regulatory Flexibility Act

These regulations are not a rule within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612. These regulations, if promulgated, will not have a "significant" economic impact on a substantial number of small "entities," as defined by the Regulatory Flexibility Act.

Paperwork Reduction Act

There are no collection of information requirements contained in the proposed regulation.

List of Subjects in 28 CFR Part 23

Administrative practice and procedure, Grant programs, Intelligence, Law enforcement.

For the reasons set out in the preamble, title 28, part 23 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 23—CRIMINAL INTELLIGENCE SYSTEMS POLICIES

Sec.
23.1 Purpose.
23.2 Background.
23.3 Applicability.
23.20 Operating principles.
23.30 Funding guidelines.
23.40 Monitoring and auditing of grants for the funding of intelligence systems.

Authority: 42 U.S.C. 3782(a); 42 U.S.C. 3789g(c).

§ 23.1 Purpose.

The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*, as amended (Pub. L. 90–351, as amended by Pub. L. 91–644, Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, Pub. L. 96–157, Pub. L. 98–473, Pub. L. 99–570, Pub. L. 100–690, and Pub. L. 101–647), are utilized in conformance with the privacy and constitutional rights of individuals.

§ 23.2 Background.

It is recognized that certain criminal activities including but not limited to loan sharking, drug trafficking, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials often involve some degree of regular coordination and permanent organization involving a larger number of participants over a broad geographic area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. However, because the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates, policy guidelines for Federally funded projects are required.

§ 23.3 Applicability.

(a) These policy standards are applicable to all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, et seq., as amended (Pub. L. 90–351, as amended by Pub. L. 91–644, Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, Pub. L. 96–157, Pub. L. 98–473, Pub. L. 99–570, Pub. L. 100–690, and Pub. L. 101–647).

(b) As used in these policies, *Intelligence System* means the arrangements, equipment, facilities, and procedures used for the receipt, storage, exchange, and analysis of criminal intelligence information, except that this definition does not include (1) *modus operandi* files, (2) historical telephone toll files, and (3) analytical information and work products, as defined below. *Analytical information and work products* means working files for investigations where the bulk data and analytical results are returned to the submitter upon completion and are not otherwise retained, stored, or disseminated. *Interjurisdictional Intelligence System* means an intelligence system which involves two or more participating agencies representing different governmental units or jurisdictions. *Criminal Intelligence Information* means evaluated data pertaining to an individual who, or organization which, is the subject or target of an investigation conducted by an agency exercising law enforcement or criminal investigation authority. *Participating Agency* means an agency or local, county, State, Federal, or other governmental unit which exercises law enforcement or criminal investigation authority and which is authorized to submit and receive criminal intelligence information through an interjurisdictional intelligence system. A participating agency may be a member or a nonmember of an interjurisdictional intelligence system. *Intelligence Project* or *Project* means the organizational unit which operates an intelligence system on behalf of and for the benefit of a single agency or the organization which operates an interjurisdictional intelligence system on behalf of a group of participating agencies. *Validation of Information* means the procedures governing the periodic review of criminal intelligence information to assure its continuing compliance with system submission criteria established by regulation or program policy.

§ 23.20 Operating principles.

(a) A project shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.

(b) A project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to an investigation of criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

(c) *Reasonable Suspicion* or *Criminal Predicate* is established when an investigative file exists which contains sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to infer or conclude there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. In an interjurisdictional intelligence system, in the project is responsible for establishing the existence or reasonable suspicion of criminal activity either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(d) A project shall not include in any criminal intelligence system information which has been obtained in violation of any applicable Federal, State, or local law or ordinance. In an interjurisdictional intelligence system, the project is responsible for establishing that no information is entered in violation of Federal, State, or local laws, either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(e) A project or authorized recipient shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.

(f)(1) Except as noted in paragraph (f)(2) of this section, a project shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

(2) Paragraph (f)(1) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

(g) A project maintaining criminal intelligence information shall adopt administrative, technical, and physical safeguards (including audit trails) to insure against unauthorized access and against intentional or unintentional damage. A record indicating who has

been given information, the reason for release of the information, and the date of each dissemination outside the project shall be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of submitting agencies and control officials. Each project must establish written definitions for the need to know and right to know standards for dissemination provided in paragraph (e) of this section. The project is responsible for establishing the existence of an inquirer's need to know and right to know the information being requested either through inquiry or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project. Each intelligence project shall assure that the following security requirements are implemented:

(1) Where appropriate, projects must adopt effective and technologically advanced computer software and hardware designs to prevent unauthorized access to the information contained in the system;

(2) The project must restrict access to its facilities, operating environment and documentation to organizations and personnel authorized by the project;

(3) The project must store information in the system in a manner such that it cannot be modified, destroyed, accessed, or purged without authorization;

(4) The project must institute procedures to protect criminal intelligence information from unauthorized access, theft, sabotage, fire, flood, or other natural or manmade disaster;

(5) The project must promulgate rules and regulations based on good cause for implementing its authority to screen, reject for employment, transfer, or remove personnel authorized to have direct access to the system; and

(6) A project may authorize remote (off-premises) system data bases to the extent that they comply with these security requirements.

(h) All projects shall adopt procedures to assure that all information which is retained by a project has relevancy and importance. Such procedures shall provide for the periodic review of information and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes which involve errors or corrections. All information retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years.

(i) If funds awarded under the Act are used to support any portion of an intelligence system, then:

(1) No project shall make direct remote terminal access to intelligence information available to system participants, except as specifically approved by the Office of Justice Programs (OJP) based on a determination that the system has adequate policies and procedures in place to insure that it is accessible only to authorized systems users; and

(2) A project shall undertake no modifications to system design without prior OJP approval.

(j) A project shall notify OJP prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.

(k) A project shall make assurances that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of the Electronic Communications Privacy Act of 1986, Public Law 99–508, 18 U.S.C. 2510–2520, 2701–2709 and 3121–3125, or any applicable State statute related to wiretapping and surveillance.

(l) A project shall make assurances that there will be no harassment or interference with any lawful political activities as part of the intelligence operation.

(m) A project shall adopt sanctions for unauthorized access, utilization, or disclosure of information contained in the system.

(n) A participating agency of an interjurisdictional intelligence system must maintain in its agency files information which verifies the correctness of each submission to the system and supports compliance with project entry criteria. Those files maintained by a participating agency to support system submissions are subject to the requirements of the intelligence system operating principles. Participating agency files supporting system submissions must be made available for reasonable audit and inspection by project representatives. A participating agency may maintain these files separately from other agency files. Project representatives will conduct participating agency inspection and audit in such a manner so as to protect the confidentiality and sensitivity of participating agency intelligence records.

§ 23.30 Funding guidelines.

The following funding guidelines shall apply to all OJP agency funded discretionary assistance awards and Bureau of Justice Assistance (BJA) formula grant program subgrants, the purpose of which is to support the operation of an intelligence system. Intelligence systems shall only be funded where a grantee/subgrantee agrees to adhere to the principles set forth above and the project meets the following criteria:

(a) The proposed collection and exchange of criminal intelligence information has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.

(b) The areas of criminal activity for which intelligence information is to be utilized represent a significant and recognized threat to the population and:

(1) Are either undertaken for the purpose of seeking illegal power or profits or pose a threat to the life and property of citizens; and

(2) Involve a significant degree of permanent criminal organization; or

(3) Are not limited to one jurisdiction.

(c) The head of a government agency or an individual with general policy making authority who has been expressly delegated such control and supervision by the head of the agency will retain control and supervision of information collection and dissemination for the criminal intelligence system. This official shall certify in writing that he or she takes full responsibility and will be accountable for the information maintained by and disseminated from the system and that the operation of the system will be in compliance with the principles set forth in § 23.20.

(d) Where the system is an interjurisdictional criminal intelligence system, the governmental agency which exercises control and supervision over the operation of the system shall require that the head of that agency or an individual with general policymaking authority who has been expressly delegated such control and supervision by the head of the agency:

(1) Assume official responsibility and accountability for actions taken in the name of the joint entity, and

(2) Certify in writing that the official takes full responsibility and will be accountable for insuring that the information transmitted to the

interjurisdictional system or to participating agencies will be in compliance with the principles set forth in § 23.20.

The principles set forth in § 23.20 shall be made part of the by-laws or operating procedures for that system. Each participating agency, as a condition of participation, must accept in writing those principles which govern the submission, maintenance and dissemination of information included as part of the interjurisdictional system.

(e) Intelligence information will be collected, maintained and disseminated primarily for State and local law enforcement efforts, including efforts involving Federal participation.

§ 23.40 Monitoring and auditing of grants for the funding of intelligence systems.

(a) Awards for the funding of intelligence systems will receive specialized monitoring and audit in accordance with a plan designed to insure compliance with operating principles as set forth in § 23.20. The plan shall be approved prior to award of funds.

(b) All such awards shall be subject to a special condition requiring compliance with the principles set forth in § 23.20.

(c) An annual notice will be published by OJP which will indicate the existence and the objective of all systems for the continuing interjurisdictional exchange of criminal intelligence information which are subject to the 28 CFR Part 23 Criminal Intelligence Systems Policies.

Jimmy Gurulé,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 92-4447 Filed 2-26-92; 8:45 am]

BILLING CODE 4410-18-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen Docket No. 91-280; FCC 92-21]

Pioneer's Preference for Low-Earth Orbit Satellites Below 1 GHz

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Tentative Decision.

SUMMARY: By this action the Commission tentatively grants a pioneer's preference to Volunteers in Technical Assistance (VITA). This is not a final pioneer's preference determination. If an allocation is made in Gen Docket No. 91-280, a final pioneer's preference determination will be made in the same docket. This decision also tentatively denies the pioneer's preference requests of Orbital Communications Corporation (ORBCOMM) and STARSYS Inc. (STARSYS).

DATES: Comments: March 30, 1992; Reply Comments: April 29, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Ray LaForge, telephone (202) 653-8117.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Tentative Decision adopted January 16, 1992, and released February 11, 1992.

Summary

1. The Commission's pioneer's preference rules are intended to provide a license preference to applicants that propose an allocation for a new service or a substantial enhancement to an existing service (See Report and Order, Gen Docket 90-217, 6 FCC Rcd 3488 (1991) 56 FR 24011, May 28, 1991 and Memorandum Opinion and Order, adopted February 13, 1991). On September 26, 1991, the FCC adopted a Notice of Proposed Rule Making (NPRM) to allocate spectrum to the fixed-satellite and mobile-satellite services for low-Earth orbit (LEO) satellites operating in VHF and UHF spectrum (See 56 FR 55484 released October 28, 1991). At that time the FCC deferred action to this Tentative Decision on related pioneer's preference requests.

2. VITA, ORBCOMM and STARSYS are potential licensees in the proposed VHF/UHF LEO satellite service, and each applied for a related pioneer's preference. VITA proposes to use two LEO satellites to facilitate the exchange of messages related to its provision of service to persons in other countries. ORBCOMM and STARSYS propose to provide commercial data messaging and position determination services to the public using 20 and 24 satellites, respectively.

3. In evaluating the three pioneers' preference requests, we considered the following policy and factual issues to determine which, if any, of the requests before us merits grant of a preference. First, we applied the basic eligibility criteria to each proposal. These include: (1) Whether the applicant has demonstrated that its proposal is technologically innovative, and (2) whether the innovation reasonably will lead to establishment of a service not currently provided or will substantially enhance an existing service. Second, we evaluated the extent to which any experiments conducted by the proponent or other detailed technical submission demonstrate the viability of its proposal.

4. After review and analysis of the facts and arguments presented, we have tentatively decided to grant VITA's request for a preference and deny the requests of ORBCOMM and STARSYS. VITA clearly was the first both to develop LEO data communications technology and to experiment with the operation of an actual LEO system to support data communications in the VHF spectrum. The VITA LEO satellite system as designed would use 19.2 kHz channels to provide reliable, low-cost packet data communications services at 9600 bits per second between ground stations located anywhere in the world. Unlike existing geostationary satellite systems and other LEO communications systems concepts proposed to date, the VITA system will support direct terminal-to-terminal network operations between ground stations via the LEO satellite system in a simple and inexpensive scheme without the use of a large expensive hub or gateway as proposed by ORBCOMM and STARSYS. The VITA system will allow near real time connection between ground stations located within approximately 2600 miles of each other.

5. VITA first filed a request for experimental authority for a LEO system in the VHF frequency range in 1988, well before either ORBCOMM or STARSYS. Even before its filing with us, earlier in the 1980's, VITA initiated experiments with communications technologies to evaluate the possibility of enhancing the capabilities and reducing the costs of global communications. VITA, with the Radio Amateur Satellite Corporation, designed and constructed a rudimentary satellite packet radio package that was launched in March 1984 aboard a scientific satellite built by the University of Surrey in Guilford, England. The test was successful, and VITA built upon the experiment's success by developing a more advanced system. It applied to this Commission in 1988 for an experimental license for a ground station to serve that more advanced system. Thus, VITA actually has operated an experimental LEO communications system. These facts establish that VITA pioneered use of low-orbit satellites for civilian data communications at VHF frequencies. For these reasons we conclude that a pioneer's preference to VITA is warranted.

6. In analyzing ORBCOMM's pioneer's preference request, we conclude that the information ORBCOMM submitted fails to justify a pioneer's preference. ORBCOMM fails to meet its burden to

demonstrate an innovation beyond existing communications technology. Many of the technical achievements that ORBCOMM argues are justification for a pioneer's preference are relatively routine design features that most new LEO satellite licensees would be expected to accomplish. For example, planning a frequency coordination scheme and designing technical parameters and system components are actions that would be a necessary component of almost any LEO satellite operation. As to whatever advances in launch technology for which ORBCOMM may be responsible, we agree with STARSYS that ORBCOMM's developments in this field are not within the class of innovations in new communications systems and services for which this Commission will grant a pioneer's preference for a radio license. While we recognize that ORBCOMM was the first to file a petition for rule making and a request for pioneer's preference in this proceeding, the proceeding already was in progress when our pioneer's preference rules went into effect. Therefore, all three requests have been considered as if they were filed concomitantly. Finally, ORBCOMM's consideration of the VHF spectrum for LEO communications was preceded by VITA's consideration of the same spectrum range for the same purpose.

7. For similar reasons we conclude that the information submitted by STARSYS also fails to meet our standard for innovation. Its development of the Argos satellite system does not demonstrate an innovative contribution toward advancing a commercial LEO communications system. We are unable to discern any unique or innovative contribution by STARSYS with respect to the spread spectrum technology it proposes to use. Finally, STARSYS' proposal clearly was preceded by the earlier VITA effort.

8. LEOSAT Corporation (LEOSAT) is a commercial entity that has filed a license application to construct, launch, and operate a LEO satellite system in these VHF/UHF bands. LEOSAT has filed formal oppositions to all three requests for pioneer's preference, arguing that the Commission is foreclosed from implementing a pioneer's preference in this proceeding because of timing considerations. We disagree. The public notice referenced by LEOSAT is a notice of applications that are "cut-off" for public comment and for the filing of mutually exclusive proposals. The public notice in question is not a *de facto* NPRM and has no effect upon either the LEO rule making or this pioneer's preference proceeding. Future action on those applications already is dependent upon completion of this rule making proceeding to allocate spectrum for LEO service and the attendant pioneer's preference determination.

9. This is a restricted proceeding. No *ex parte* presentations are permitted from the time the Commission adopts this Tentative Decision and requests comments until the proceeding has been finalized or until such decision or approval is no longer subject to reconsideration by the Commission or review by any court. In addition, no presentation, *ex parte* or otherwise, is permitted during the Sunshine Agenda period. See generally 47 CFR sections 1.1202, 1.1203, and 1.1208.

10. Pursuant to applicable procedures set forth at 47 CFR sections 1.415 and 1.419, of the Commission's Rules, interested parties may file comments on or before March 30, 1992, and reply comments on or before April 29, 1992. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participant must file an original and four copies of all comments and reply comment. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

Ordering Clause

11. According, we tentatively decide that, the pioneer's preference request of VITA is granted and that the pioneer's preference requests of ORBCOMM and STARSYS are denied.

List of Subjects in 47 CFR Part 2

Frequency allocations, General rules and regulations, Radio.

Federal Communications Commission

William F. Caton,

Acting Secretary.

[FR Doc. 92-4542 Filed 2-26-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, and 176

[Docket HM-211; Notice No. 92-2]

RIN 2137-AC16

Marine Pollutants; Extension of Comment Period

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Extension of time to file comments.

SUMMARY: On January 31, 1992, RSPA published a notice of proposed rulemaking (NPRM) in the Federal Register (57 FR 3853; Docket No. HM-211, Notice No. 92-2) which proposed to amend the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) by adopting requirements for the transportation of marine pollutants in all modes of transportation. The changes were proposed, in part, to implement the provisions of Annex III, an annex of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78), and in order that the HMR more thoroughly address environmentally hazardous materials. The American Trucking Association and the Hazardous Materials Advisory Council requested that the comment period for this NPRM be extended by 90 and 60 days, respectively, in order to thoroughly evaluate its proposals. RSPA is extending the comment period for an additional 60 days to allow industry time to evaluate the proposal and to ensure that this important safety rulemaking is not unnecessarily delayed.

DATES: The date for filing comments is extended from March 2, 1992 to May 4, 1992.

ADDRESSES: Address comments to Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should identify the docket and notice number and be submitted, when possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard showing the Docket number (e.g., HM-211). The Dockets Unit is located in room 8419 of the Nassif Building, 400 Seventh Street SW., Washington, DC. 20590. Office hours are 8:30 a.m. to 5 p.m. Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: John A. Gale (202–366–4488) Office of Hazardous Materials Standards, RSPA, 400 Seventh Street SW., Washington, DC 20590 or Lt. Cmdr. Phillip Olenik (202–267–1577), Office of Marine Safety, Security, and Environmental Protection, (G–MTH–1) U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

Issued in Washington, DC on February 24, 1992, under authority delegated in 49 CFR part 106, appendix A.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 92–4535 Filed 2–26–92; 8:45 am]

BILLING CODE 4910–60–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1033 and 1039

[Ex Parte No. 334 (Sub-Nos. 8 and 8A)]

Joint Petition for Rulemaking on Railroad Car Hire Compensation, Joint Petition for Exemption of Arbitration Rule and Motion to Dismiss

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule and proposed approval of arbitration rule.

SUMMARY: The Commission proposes to add new car hire rules 49 CFR part 1033 and part 1039 to accomplish a 10-year, phased deprescription of the rates that rail carriers charge each other for the use of cars. The Commission also proposes to approve an arbitration rule under 49 U.S.C. 10706 that will enable participating railroads to negotiate their car hire rates bilaterally and, if unsuccessful, seek either private arbitration or Commission adjudication of disagreements: The Commission requests comments on both proposals.

DATES: Comments are due March 27, 1992.

ADDRESSES: An original and 20 copies of all comments must be sent to: Office of the Secretary, Case Control Branch, Attn: Ex Parte No. 334 (Sub-No. 8) and Ex Parte No. 334 (Sub-No. 8A), Interstate Commerce Commission, Washington, DC 20423.

One copy of all comments also must be served on all formal parties of record.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 927–5660. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: We propose to adopt a market-oriented approach to setting car hire rates. In Ex Parte No. 334 (Sub-No. 8), Joint Petition for Rulemaking on Railroad Car Hire Compensation, we are proposing rules to be codified at 49 CFR part 1033 and part 1039 to deprescribe the existing car hire rate formula. In Ex Parte No. 334 (Sub-No. 8A), Joint Petition For Exemption Of Arbitration Rule From Application of 49 U.S.C. 10706 And Motion To Dismiss, we are proposing to approve an Arbitration Rule under 49 U.S.C. 10706 to enable participating railroads to negotiate their car hire rates bilaterally and, if unsuccessful, seek either private arbitration or Commission adjudication of their disagreement. The Commission is also discontinuing Ex Parte No. 334 (Sub-No. 6), Review of Car Hire Regulation.

The formula for the rates that rail carriers charge each other for the use of their cars was prescribed in Car Service Compensation—Basic Per Diem Charges, 358 I.C.C. 714, 718 (1977). By petition filed October 19, 1990, a significant number of major Class I and regional rail carriers, short line rail carriers, and rail leasing companies have asked us to institute a rulemaking to consider new car service rules resulting in a gradual elimination of the car hire prescription. They also asked us to exempt under 49 U.S.C. 10505 their proposed rate agreement from the requirements of section 10706, by which they would amend the Association of American Railroads' Code of Car Hire Rules to permit negotiation and arbitration.

In a notice served and published January 16, 1991, (56 FR 1981, 1–17–91) we instituted the rulemaking proceeding and published the proposals as requested, expressing no view on their merits. This decision and notice is based on the comments received in these proceedings and also on the pending record in Ex Parte No. 334 (Sub-No. 6), Review of Car Hire Regulation.

Our proposal is summarized as follows:

Existing railroad cars—10-year phased deprescription. The proposed rules largely reflect the petitioners' proposal to deprescribe charges for existing railroad cars over a 10-year period. As charges for these cars are deprescribed, railroads may negotiate car hire rates bilaterally. The proposed rules would permit the railroads during the 10-year transition period to deprescribe up to 10 percent of their fleets each year. Car hire charges set pursuant to the current formula would be frozen on cars not deprescribed during the 10-year period. This freeze would eliminate downward adjustments for depreciation and increases for improvement and rebuilding of cars. At the end of the 10-year period, the existing prescription would be abolished and car hire charges for all cars would be set by agreement, arbitration, or Commission adjudication except for existing Class III boxcars. The car hire rates on existing boxcars of Class III carriers would remain frozen for the lifetime of the cars, even after the end of the 10-year phase out period.

New railroad cars—immediate deprescription. The proposed rules provide that they will become effective prospectively, rather than retroactively as the petitioners had proposed. Under the petitioners' proposal, new cars would be defined as those either ordered after July 1, 1990, or those built after January 1, 1991. Our proposed rules define new cars as those ordered on or after 30 days from the effective date of our final decision adopting the rules and those built on or after 90 days from that effective date.

Arbitration rule. We have modified the petitioners' proposed arbitration rule. Under the Association of American Railroads' (AAR) Code of Car Hire Rules, the proposed arbitration rule would establish procedures under which railroads would negotiate car hire rates bilaterally for deprescribed cars. If negotiations were not successful, the parties may seek either arbitration or Commission adjudication of the rates.

By contrast, the petitioners had proposed arbitration only, without alternative recourse to this Commission. Under that proposal, only a party not belonging to the Code of Car Hire Rules could seek Commission prescription.

The proposed arbitration rule provides for "baseball style" arbitration, by which the arbitrator would select between the best final offers of the parties the offer that most closely approximates a market rate. This rate would be based on evidence relating to other, comparable transactions between railroads, shippers, or other parties.

Regulatory Flexibility Analysis

The purpose of these proposed rules is to provide rail carriers and car leasing companies more opportunity to reach market-oriented car hire agreements. In the January 16, 1991, notice, the Commission preliminarily concluded that the proposed action would not have a significant economic impact on a substantial number of small entities. No parties have disagreed, and we propose to affirm our preliminary conclusion. Parties may comment on this issue.

List of Subjects

49 CFR Part 1033

Railroads.

49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Railroads.

Decided: February 18, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Emmett concurred with a separate expression.

Sidney L. Strickland,

Secretary.

For reasons set forth in the preamble, title 49, chapter X, parts 1033 and 1039 of the Code of Federal Regulations are proposed to be amended as follows:

1. Part 1033 is proposed to be revised to read as follows:

PART 1033—CAR SERVICE

Authority: 49 U.S.C. 10321, 10326, 11121, and 11122; 5 U.S.C. 553.

§ 1033.1 Care hire rates.

(a) *Definition applicable to this section*—(1) *Car.* A freight car bearing railroad reporting marks, other than an excluded boxcar as defined in § 1039.14(c)(2) whenever it is owned or leased by any Class III carrier and bears a Class III carrier's reporting marks.

(2) *Car hire.* Compensation to be paid by a user to an owner for use of a car. Such compensation may include, but need not be limited to, hourly and mileage rates.

(3) *Fixed rate car.* Any car placed in service prior to [90 days from the effective date of these rules] or for which there was a written and binding contract to purchase or build prior to [30 days from the effective date of these rules] provided, however, that for a period of one year from the effective date of these rules all cars shall be deemed to be fixed rate cars.

(4) *Market rate car.* Any car that is not a fixed rate car.

(5) *Owner.* A rail carrier entitled to receive car hire on cars bearing its reporting marks.

(6) *Prescribed rates.* The hourly and mileage rates in effect on [the effective date of these rules] as published in Association of American Railroads Circular No. OT–10.

(7) *User.* A rail carrier in possession of a car it does not own.

(b) *Determination of car hire for fixed rate cars.* (1) Any OT–37 surcharge to prescribed rates for work performed prior to [the effective date of these rules] shall expire upon the earlier or:

(i) The car becoming a market rate car; or

(ii) The expiration date provided in Association of American Railroads Circular No. OT–37.

(2) Upon termination of the 10-year period specified in paragraph (b)(1) of this section, all fixed rate cars shall be deemed to be market rate cars and shall be governed by paragraph (c) of this section.

(3)(i) During each calendar year beginning one year after the effective date of these rules, a rail carrier may voluntarily elect to designate up to 10 percent of the fixed rate cars in its fleet as of [the effective date of these rules] to be treated as market rate cars for the purposes of this section. The 10 percent limitation shall apply each calendar year and shall be noncumulative. Cars designated to be treated as market rate cars shall be governed by paragraph (c) of this section. Such election shall be effective only in accordance with the following provisions.

(A) An election shall be irrevocable and binding as to the rail carrier making the election and all users and subsequent owners of:

(*1*) The rail carrier making the election has legal title to the car; or

(*2*) The rail carrier making the election does not have legal title to the car but obtains written consent for such election from the party holding legal title; or

(*3*) The transaction pursuant to which the party holding legal title to the car has furnished the car to the rail carrier making the election was entered into after [the effective date of these rules].

(B) An election shall be irrevocable and binding only for the term of the transaction pursuant to which the car was furnished to the rail carrier making the election as to that rail carrier and all users and subsequent owners if:

(*1*) That rail carrier does not have legal title to the car and does not obtain written consent for such election from the party holding legal title;

(*2*) The transaction was entered into prior to [the effective dates of these rules]; and

(*3*) The transaction does not provide that the compensation to be paid to the party furnishing the car is to be based in whole or in part directly on the car hire earnings of the car; provided, however, that if the rail carrier making the election subsequently obtains legal title to the car, such election shall then be irrevocable and binding as to the rail carrier and all users and subsequent owners.

(C) The party holding legal title to the car may revoke an election subject to the provisions of paragraph (b)(3)(i)(B) only:

(*1*) At the time the transaction pursuant to which the car was furnished to the rail carrier making the election is first extended or renewed after [the effective date of these rules]; or

(*2*) If such transaction is not extended or renewed, at the time such transaction terminates.

If such election is so revoked, a rail carrier may make a new election only with the written consent of the party holding legal title to the car, and such election shall be irrevocable and binding as to the rail carrier making the election and all users and subsequent owners.

(ii) Nothing in paragraph (b)(3)(i) of this section shall be construed to limit the rights of parties to any transaction to provide for the consent of any party to an election made pursuant to such paragraph.

(c) *Market rate cars.* (1) Market rate cars shall not be subject to prescribed rates or to the provisions of 49 CFR 1039.14(c)(1) (i) and (ii) and (c)(4).

(2)(i) The commission shall not prescribe car hire for market rate cars.

(ii) The Code of Car Hire Rules referenced in the Association of American Railroads Car Service and Car Hire Agreement must provide that owners and users party to that agreement may resolve car hire disputes thereunder by any procedure they agree upon, including arbitration, or by petitioning the Commission to resolve the disputes: The Commission may review allegations of abuse of the car hire dispute resolution process established under those rules.

(iii) Car hire disputes involving an owner or user not a party to that agreement may be resolved by the Commission.

(d) *Car hire agreements.* Rail carriers are authorized to negotiate and enter into agreements governing car hire.

(e) *Effective date.* This rule shall take effect on the first day of the first month following the expiration of 30 days from the date of publication of such rule in the **Federal Register**.

PART 1039—EXEMPTIONS

2. The authority citation for part 1039 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10762 and 11105; 5 U.S.C. 553.

§ 1039.14 [Amended]

3. In § 1039.14, paragraph (c)(3) is proposed to be amended by adding the following language to the end of that paragraph:

* * * * *

(c) * * *

(3) * * * Any improvements or repairs subsequent to [the effective day of these rules] to the excluded boxcars performed under OT-37 criteria or under rebuilt criteria or any other criteria shall not result in any increases, additions, or surcharges in the car hire rates for such cars.

* * * * *

[FR Doc. 92-4484 Filed 2-26-92; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 920246-2046]

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Notice of proposed initial specifications for the 1992 Atlantic mackerel, squid, and butterfish fisheries and request for comment.

SUMMARY: NMFS issues this notice of proposed initial specifications for the 1992 fishing year for Atlantic mackerel, Squid, and Butterfish. Regulations governing this fishery require the Secretary of Commerce (Secretary) to publish specifications for the upcoming fishing year. This action is intended to fulfill this requirement and promote the development of the U.S. Atlantic mackerel, Squid, and butterfish fisheries.

DATES: Public comments must be received on or before March 27, 1992.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's "quota paper" and recommendations are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

Copies of the environmental assessment prepared by the Northeast Regional Office for this action are available from Richard B. Roe, Regional Director, Northeast Region, NMFS, 1 Blackburn Circle, Gloucester, MA 01930. Send comments on the proposed initial specifications for mackerel, squid, and butterfish for 1992 to Richard B. Roe and mark on the outside of the envelope, "Comments—1992 SMB specifications."

FOR FURTHER INFORMATION CONTACT: Myles Raizin, 508-281-9104 or Richard Seamans, 508-281-9244.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) prepared by the Mid-Atlantic Fishery Management Council (Council), appear at 50 CFR part 655. These regulations stipulate that the Secretary will publish a notice specifying the initial annual amounts of the initial optimum yield (IOY) as well as the amounts for allowable biological catch (ABC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable levels of foreign fishing (TALFF) for the species managed under the FMP. No reserves are permitted under the FMP for any of these species. Procedures for determining the initial annual amounts are found in § 655.21.

While the Council followed the guidelines and regulations for submission of recommendations, the Regional Director believes that the analyses in the quota paper do not fully support their submission. To better evaluate the recommended specifications for the 1992 fishery, the Regional Director directed his staff to prepare an environmental assessment (EA). That assessment is based on the explicit and implicit economic assumptions on which the Council's recommendation for a zero TALFF was based.

The following table contains the proposed initial specifications for Atlantic mackerel, *Loligo* squid, *Illex* squid, and butterfish. These specifications are based on the recommendations of the Mid-Atlantic Fishery Management Council.

TABLE—PRELIMINARY INITIAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR, JANUARY 1 THROUGH DECEMBER 31, 1992.

[In metric tons (mt)]

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
Max OY [1]	44,000	30,000	[2] N/A	16,000
ABC [3]	37,000	30,000	850,000	16,000
IOY	34,000	30,000	95,000	10,000
DAH	34,000	30,000	[4] 95,000	10,000
DAP	34,000	27,000	55,000	10,000
JVP	0	3,000	26,000	0
TALF	0	0	0	0

[1] Max OY as stated in the FMP;
[2] Not applicable; see the FMP;
[3] IOY can rise to this amount;
[4] Contains 14,000 mt. projected recreational catch based on the formula contained in the regulations (50 CFR part 655).

Atlantic Mackerel

The FMP provides that ABC in U.S. waters for the upcoming fishing year is that quantity of mackerel that could be caught in U.S. and Canadian waters minus the estimated catch in Canadian waters, while still maintaining a spawning stock size in the year following the year for which catch estimates and quotas are being prepared, equal to or greater than 600,000 mt. Using an estimated spawning stock biomass of 1,500,000 mt and an estimated Canadian catch of 50,000 mt, the Council derived an ABC of 850,000 mt.

The proposed IOY for the 1992 Atlantic mackerel fishery is set at 95,000 mt, equal to the specified DAH. The proposed specification of DAH is computed by adding the estimated recreational catch, the proposed specified DAP, and the proposed specified JVP. The recreational component of DAH is estimated at 14,000 mt using a formula found at § 655.21(b)(2)(ii). DAP and JVP components of DAH are estimated using the Council annual processor survey. The U.S. processors projected to U.S. production of 52,967 mt for the upcoming fishing year and a foreign demand for over-the-side sales of 26,454 mt. Based on these figures, the Council recommended and the Regional Director proposes a DAP of 55,000 mt and a JVP of 26,000 mt yielding a DAH of 95,000 mt, which includes the 14,000 mt recreational component.

Zero TALFF is proposed for the 1992 Atlantic mackerel fishery. This is the first time, under this FMP, that foreign directed fishing for Atlantic mackerel would not be allowed. The exclusion of directed foreign fishing is recommended by the Council and proposed by the Regional Director. However, comments are particularly invited on the proposed IOY and zero TALFF. Careful consideration will be given to public comments in the determination of final specifications.

The Council used testimony from both the domestic fishing and processing industries and analysis of nine economic factors found at § 655.21(b)(2)(ii) to determine that mackerel produced from directed foreign fishing would directly compete with U.S. processed products, thus limiting markets available to U.S. processors. The industry was nearly unanimous in its assessment that continuation of TALFF would impede the continued growth of the U.S. fishery. The Council believes that an expanding mackerel market in Japan and uncertainty regarding world supply, due

to the economic and political restructuring in Eastern Europe, may substantially increase opportunities for U.S. producers to increase sales to Japan while accessing new markets abroad. Also, the Department of Agriculture is considering adding Atlantic mackerel to the list of surplus agricultural commodities which may be purchased with U.S. agricultural aid under Title I of the Agricultural Trade Development and Assistance Act of 1954 by an eligible country. This may provide ready markets of substantial size for U.S. processed mackerel.

The Council also recommended and the Regional Director proposes four special conditions to be imposed on the 1992 Atlantic mackerel fishery as follows: (1) Joint ventures are allowed, but river herring bycatch south of 37°30' N. latitude may not exceed 0.25 percent of the over-the-side transfers of Atlantic mackerel; (2) the Regional Director should do everything within his power to reduce impacts on marine mammals in prosecuting the Atlantic mackerel fisheries; (3) IOY may be increased during the year, but the total should not exceed 200,000 mt; and (4) applications from a particular nation for joint ventures for 1992 will not be decided on until the Regional Director determines, based on an evaluation of performances, that the nation's purchase obligations for 1991 and previous years have been fulfilled.

Atlantic Squids

The maximum OY for *Loligo* is 44,000 mt. The recommended ABC for the 1992 fishery is 37,000 mt, the same level used from 1986 through 1991. This level of ABC is based on the most recent stock assessments and is determined to be at a level that will not harm the continued growth of the resource.

An IOY of 34,000 mt, equal to DAH and DAP, is recommended by the Council and proposed by the Regional Director. This level of IOY is proposed to allow a 3,000 mt increase in IOY to ABC in the event the Regional Director determines that economic factors indicate an increase is needed to meet the goals of the FMP. Since the U.S. industry intends to fully utilize the IOY, there is no opportunity for JVP or TALFF.

Results of the 1991 Council processor survey indicate that the U.S. processing sector plans to process 34,332 mt of *Loligo* in the upcoming year. Therefore, the Council recommends and the Regional Director proposes a DAP of 34,000 mt.

Based on the results of the processor survey, the Council recommends and the Regional Director proposes zero JVP and zero TALFF for the 1992 fishery. The expansion of the U.S. freezer trawler and refrigerated sea water fleets participating in this fishery and substantially increased U.S. landings indicate that there is no longer a justification for foreign participation. TALFF and JVP have been absent from this fishery since 1987. Since TALFF and JVP are set at zero, DAH of 34,000 mt equals DAP for the 1992 fishery.

The maximum OY for *Illex* squid is 30,000 mt. Based on the best available scientific information, the Council recommended and the Regional Director proposes an ABC of 30,000 mt equal to the maximum OY.

The Council also recommended and the Regional Director proposes that the IOY be set at 30,000 mt because U.S. harvesters intend to utilize the entire IOY. Consequently, there would be no TALFF proposed. No directed foreign fishery has been allowed for *Illex* since 1986. Given the current economic situation, zero TALFF is recommended by the Council and proposed by the Regional Director.

Based on the 1991 Council processor survey, *Illex* squid processors plan to process 27,086 mt of *Illex* in 1992. Therefore, the DAP for the 1992 fishery is specified at 27,000 mt. This represents an increase of 15,000 mt from the 1991 specification and reflects the large increases in the capacity of the east coast freezer trawler fleet and projected increases in the number of vessels using refrigerated seawater systems capable of landing high quality *Illex*. Much of the increase in capacity is a function of a general increase in prices in the range of 20 percent for 1990 and 1991. In turn, the increase in prices is related to decreases in world supply including a closing of 30,000 square miles of traditional squid grounds east of the Falklands/Malvinas and a decrease in *Loligo* squid landings in Thailand. Although *Illex* is primarily a bait squid, it has been used as a substitute for *Loligo*, a food squid, in many markets.

While the development of the U.S. processing industry is of prime concern, the traditional "wet boat" that is utilized in joint ventures for over-the-side purchases is not ignored. The Council recommended and the Regional Director proposes a JVP of 3,000 mt for the 1992 fishery. Therefore, the DAH, which is comprised of the DAP and JVP, is specified at 30,000 mt, equal to both the IOY and Max OY. However, the Council has informed the "wet boat" sector of the fishery that JVP may not be allocated for the 1993 fishery.

Butterfish

The FMP sets the maximum OY for butterfish at 16,000 mt. Based on the most current stock assessments, the Council recommends and the Regional Director proposes an ABC of 16,000 mt for the 1992 fishery, unchanged from the 1991 specification. Commercial landings of butterfish have decreased in the past 3 years from 4,000 mt to 2,462 mt. Market limitations and the difficulty in locating schools of market size fish have caused severe reductions in both supply of and demand for butterfish. Fishermen and processors feel that the size and fat content of butterfish will improve in 1992, thereby enhancing the marketability of the species.

The Council recommended and the Regional Director proposes a IOY of 10,000 mt. The U.S. industry intends to fully utilize this IOY. Thus, there would be no TALFF available. The Council recommends and the Regional Director proposes a DAH of 10,000 mt based on the Council processor survey of 7,724 mt with an allowance of approximately 2,000 mt for non-responses. There has been no interest expressed in joint ventures, thus, the IOY is proposed at a level that does not allow for a JVP. The Council recommended and the Regional Director proposes that both JVP and TALFF be specified at zero for the 1992 fishery. However, a 6,000 mt difference between ABC and IOY is set aside to accommodate an increase in IOY if economic conditions dictate.

Classification

This action is authorized by 50 CFR part 655 and complies with Executive Order 12291 and the National Environmental Policy Act.

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

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

Dated: February 21, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 92-4448 Filed 2-26-92; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 57, No. 39
Thursday, February 27, 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 authonty, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Human Nutrition Board of Scientific Counselors; Meeting

According to the Federal Advisory Committee Act of October 1972 (Pub. L. 92–463, 86 Stat. 770–776), the USDA, Science and Education, announces the following meeting:

Name: Human Nutrition Board of Scientific Counselors.
Date: March 17–18, 1992.
Time: 1 p.m. to 5 p.m., March 17. 8:30 a.m. to 4:30 p.m., March 18.
Place: Conference Room 104–A, Administration Building, Department of Agriculture, Washington, DC.
Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permits.
Comments: The public may file written comments before or after the meeting with the contact person below.
Purpose: To conduct annual meeting.
Contact Person: Jacqueline Dupont, Executive Secretary, Human Nutrition Board of Scientific Counselors, U.S. Department of Agriculture, BARC-West, room 132, Building 005, Beltsville, Maryland 20705. Telephone: (301) 504–6216.

Done at Beltsville, Maryland, this 13th of February 1992.

Jacqueline Dupont,

Executive Secretary, Human Nutrition Board of Scientific Counselors.

[FR Doc. 92–4518 Filed 2–26–92; 8:45 am]
BILLING CODE 3410–03–M

Cooperative State Research Service Committee on Nine Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776), the Cooperative State Research Service announces the following meeting:

Name: Committee on Nine.
Date: May 13–15, 1992.
Time: 8:30 a.m. to 5 p.m.
Place: Conference Room A, 10th Floor, Aerospace Building, CSRS, USDA, Washington, DC.
Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person listed below.
Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State Agricultural Experiment Stations.
Contact Person for Agenda and More Information: Dr. Edward M. Wilson, Executive Secretary, U.S. Department of Agriculture, Cooperative State Research Service, room 328, Aerospace Building, Washington, DC 20250, Telephone: 202–401–6040.

Done at Washington, DC this 18th day of February, 1992.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 92–4517 Filed 2–26–92; 8:45 am]
BILLING CODE 3410–22–MT

Forest Service

Fish Creek Reservoir Expansion, Routt National Forest, Routt County, CO

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to enlarge the existing Fish Creek Reservoir, located on the Routt National Forest within Routt County, Colorado. The Fish Creek Reservoir is presently operating under Special Use Permit which was granted to the City of Steamboat Springs. The Fish Creek Reservoir is a municipal water supply that is administered by the Mount Werner Water and Sanitation District and provides water to the District and the City of Steamboat Springs.

The proposal includes expansion of the reservoir from approximately 1842 acre feet of water storage capacity to 4042 acre feet of water storage capacity, an increase of approximately 2200 acre feet. This will be accomplished by raising the level of the dam and inundating the area surrounding the existing reservoir boundary.

The purpose of and need for this expansion is to provide additional water storage for future demand and guarantee maintenance of minimum instream water flows in the Fish Creek drainage.

The Forest Service invites comments and suggestions on the scope of the analysis to be included in the draft environmental impact statement (DEIS). In addition, the Forest Service gives notice that it is beginning a full environmental analysis and decision-making process for this proposal so that interested or affected people may know how they can participate in the environmental analysis and contribute to the final decision. The first public "scoping" meeting is scheduled for March 18, 1992 in Steamboat Springs, Colorado, at the Steamboat Springs Community Center, 1255 Lincoln Avenue, Steamboat Springs, Colorado, from 7 to 9 p.m. The purpose of this meeting is to learn what issues members of the public or interested agencies believe are involved in the proposal. Knowledge of the issues will help establish the scope of the Forest Service environmental analysis and define the kind and range of alternatives to be considered. Forest Service officials and the proponent will describe and explain the proposed actions and the process of environmental analysis and disclosure to be followed in evaluating this proposal. The Forest Service welcomes any public comments on the proposal.

DATE: Comments concerning the scope of the analysis should be received in writing by March 18, 1992.

ADDRESSES: Send written comments to Sherry B. Reed, District Ranger, Hahns Peak Ranger District, P.O. Box 771212, Steamboat Springs, Colorado, 80477.

FOR FURTHER INFORMATION CONTACT: Wendy Schmitzer, Project Coordinator, (303) 879–1722 or (303) 879–1870.

SUPPLEMENTARY INFORMATION: The proposal for enlargement of Fish Creek Reservoir includes raising the level of the existing earthern dam approximately 18 feet, adding a solar-powered early warning system to the dam, and deepening the basin of the reservoir. Enlargement of the reservoir would increase water storage capacity by 2200 acre feet. During construction, the reservoir would be drained; water would be temporarily diverted into the

drainage below the spillway or saddle dam until construction is completed. Geotechnical exploration was conducted and completed under permit during the summer of 1991.

The decision to be made is whether to permit enlargement of the Reservoir

The Routt National Forest Land and Resource Management Plan has identified the Fish Creek Reservoir as a municipal watershed. The Forest Service manages the land around the Reservoir under "Management Prescription 10E." The proposed action is consistent with the Forest Plan goal of protecting and improving ". . . the quality and quantity of municipal water supplies."

A U.S. Army Corps of Engineers "404 Permit" for dredging and filling waters and/or wetlands will be required. The Forest Service will request the U.S. Army Corps and U.S. Fish & Wildlife Service to cooperate in the environmental analysis, and may request cooperation from other State or Federal agencies.

The Deciding Official will be Jerry E. Schmidt, Forest Supervisor, Routt National Forest, 29587 West U.S. Highway 40, suite 20, Steamboat Springs, Colorado, 80487.

We expect to publish a draft environmental impact statement in early 1993, to ask for public comment on the draft material for a period of 45 days, and to complete a final environmental impact statement in June, 1993.

The 45 day public comment period on the draft environmental impact statement will commence on the day the Environmental Protection Agency publishes a "Notice Of Availability" in the **Federal Register**.

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 draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement 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 environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement 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 environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.) Please note that comments you make on the draft environmental impact statement will be regarded as public information.

Dated: February 21, 1992.

Jerry E. Schmidt,

Forest Supervisor.

[FR Doc. 92-4469 Filed 2-26-92; 8:45 am]

BILLING CODE 3410-11-M

Devil's Canyon Timber Sale, Tahoe National Forest, Nevada County, CA

AGENCY: Forest Service, USDA.

ACTION: Cancellation of notice of intent to prepare an environmental impact statement.

SUMMARY: On June 27, 1991 a notice was published in the **Federal Register** [56 FR 29461] stating that an environmental impact statement would be prepared for proposed timber harvest in the Devil's Canyon area of the Nevada City Ranger District of the Tahoe National Forest.

That notice is hereby cancelled.

DATES: This Action is effective February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Ruth Norman at the Nevada City Ranger District; 631 Coyote Street; P.O. Box 6003; Nevada City, CA 95959-6003; (916) 265-4531.

SUPPLEMENTARY INFORMATION: Changes have occurred in how California spotted owls are managed on the Tahoe National Forest since the filing of the notice to prepare an environmental impact statement. Also, a previously unrecorded pair of owls were located in the sale area. It has been determined that the project objectives are not compatible with the new spotted owl management direction.

Dated: February 18, 1992.

John H. Skinner,

Forest Supervisor, Tahoe National Forest.

[FR Doc. 92-4493 Filed 2-26-92; 8:45 am]

BILLING CODE 3410-11-M

ARCTIC RESEARCH COMMISSION

Meeting

February 21, 1992.

Notice is hereby given that the Arctic Research Commission will hold its 26th meeting in Washington, DC, on March 26, 1992. On Thursday, March 26, a business meeting open to the public will be held staring at 8:30 a.m. in room M-07 of the Old Post Office Building, 12th and Constitution Ave., NW. Agenda items include: (1) Chairman's Report: (2) Comments from agencies and organizations; (3) Resolutions of Appreciation for Mr. Rasmuson and Dr. Steele; (4) Interagency oil pollution research and development plan; (5) Arctic marine mammal research; (6) Update on state of Russian science, and (7) Discussion of draft report, "Research Needs for Response to Oil Spills in Ice-Infested Waters". The Commission will meet in Executive Session following the conclusion of the public meeting to consider budget and related items.

Any person planning to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs.

On March 25, 1993, the Commission is sponsoring jointly with the National Research Council and the Arctic Research Consortium of the United States an Assembly on the Arctic, from 8:30 a.m. to 5:30 p.m. in the auditorium of the National Academy of Sciences, 2101 Constitution Ave., NW., Washington, DC.

Contact Person for More Information: Philip L. Johnson, Executive Director, U.S. Arctic Research Commission, 202-371-9631 or TDD 202-357-9867.

Philip L. Johnson,

Executive Director, U.S. Arctic Research Commission.

[FR Doc. 92-4462 Filed 2-26-92; 8:45 a.m.]

BILLING CODE 7555-01-M

COMMISSION ON CIVIL RIGHTS

Wyoming Advisory Committee; Agenda and Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wyoming Advisory Committee to the Commission will be held from 10:30 a.m. until 1 p.m. on Saturday, March 21, 1992, at the Casper Inn Hotel, I–25 & Center Street Exit, Casper, Wyoming 82601. The purpose of the meeting is to conduct orientation for new members, review Commission policies and procedures, and approve plans and the schedule for the Committee's project on The Employment of Minorities and Women in Wyoming State Government.

Persons desiring additional information should contact Committee Chairperson, Oralia G. Mercado, or William F. Muldrow, Director of the Rocky Mountain Regional Division, (303) 844–6716 (TDD 303–844–6720). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) workings days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 20, 1992.

Carol Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92–4492 Filed 2–26–92; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 3–92; Foreign-Trade Zone 2]

Application for Temporary Subzone at the Equitable Shipyards Facility (Trinity Marine Group, Inc.) New Orleans, LA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Commissioners of the Port of New Orleans (the Port), grantee of FTZ 2, requesting temporary special-purpose subzone status at the Equitable Shipyards shipbuilding facility located in New Orleans, Louisiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 20, 1992.

The shipyard (38 acres) is located on the Inner Harbor-Navigation Canal at 4325 France Road, New Orleans. It is owned by the Port and is operated by Trinity Marine Group, Inc., which also operates a shipyard at the Halter Marine Yard in Escatawpa (Moss Point), Mississippi (formerly Moss Point Marine, Inc.). The latter yard was granted FTZ subzone status in 1988 (Subzone 92A, 53 FR 7953, 3–11–88). Zone procedures would be used at the Equitable facility to complete work on a fishing vessel ("American Champion") which is currently under construction (under zone procedures) at Trinity's Halter Marine Yard in Mississippi. The authority requested in this application covers only the completion of work on the foregoing vessel, subject to the standard restrictions adopted by the FTZ Board for shipyard subzones. An approval of temporary subzone status for two years is contemplated.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 16, 1992.

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

U.S. Department of Commerce District Office, 432 World Trade Center, 2 Canal Street, New Orleans, LA 70130.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th Street Constitution Avenue, NW., Washington, DC 20230.

Dated: February 20, 1992.

John J. Da Ponte, Jr.

Executive Secretary.

[FR Doc. 92–4528 Filed 2–26–92; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–588–819]

Final Antidumping Duty Determination: Aspheric Ophthalmoscopy Lenses From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Stefanie Amadeo, Office of Antidumping Duty Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution, Ave., NW., Washington, DC 20230, at (202) 377–1174.

FINAL DETERMINATION: The Department of Commerce (the Department) determines that imports of aspheric ophthalmoscopy lenses (lenses) from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (the Act). The estimated margin is shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

We published an affirmative preliminary determination on October 15, 1991 (56 FR 51680).

On October 15, 1991, respondent, Nikon Corp. and Nikon, Inc. (together referred to as Nikon), requested a postponement of the final determination. On October 28, 1991, the Department published its notice postponing the final determination until January 22, 1991 (56 FR 55491). On December 2, 1991, Nikon requested another postponement of the final determination, and on December 17, 1991, the Department published its notice postponing the final determination until February 21, 1991 (56 FR 65466).

The Department conducted verification of Nikon's responses from October 21 through October 29, 1991, and on November 15, 1991. On October 25, 1991, Ocular Instrument, Inc. (Ocular) submitted a request for a hearing in this investigation. On November 1, 1991, the Department informed Ocular that its October 25, 1991, letter of appearance did not demonstrate that Ocular was an interested party under 19 CFR 353.2(k). On November 6, 1991, Ocular informed the Department that it was withdrawing its letter of appearance as an interested party and, consequently, its request for a hearing in the above-referenced investigation. On November 22, 1991, Ocular submitted a letter formally withdrawing its request for a hearing.

On December 16 and 20, 1991, respondent submitted its case and rebuttal briefs, respectively, and on December 16 and 23, 1991, Volk Optical, Inc. (Volk Optical), the petitioner, submitted its case and rebuttal briefs, respectively. Ocular submitted a position paper on December 16, 1991. Since Ocular did not establish its standing as an interested party in this investigation, the Department returned all copies of the position paper to Ocular on December 18, 1991.

In a January 21, 1992, letter to the Department, Nikon requested a meeting with Department officials to discuss the

submission of revised computer tapes. Following the requested meeting, which was held on January 24, 1992, Nikon submitted comments on January 27, 1992, and petitioner submitted comments on January 29, 1992.

On January 31, 1992, Nikon and Volk Optical were invited to submit comments on the appropriate best information available (BIA) to use in this investigation. Nikon submitted such comments in a February 7, 1992, letter to the Department. Volk Optical declined further comment.

Scope of Investigation

The products covered by this investigation are aspheric ophthalmoscopy lenses, which are single element, non-contact ophthalmoscopy lenses, whether mounted or unmounted, framed or unframed, of which one or both surfaces are aspherical in shape. The subject merchandise is currently classifiable under subheading 9018.50.00 of the Harmonized Tariff Schedule (HTS). Although the HTS number is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is November 1, 1990, through April 30, 1991.

Fair Value Comparisons

To determine whether Nikon made sales of lenses at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified below.

Although Nikon responded to the Department's questionnaires, in attempting to verify its response, the Department discovered numerous reporting errors and inconsistencies. Therefore, in accordance with section 776(c) of the Act, our results are based on BIA.

United States Price

We based USP on a FOB factory price contained in the petition, which was offered to U.S. distributors for one type of lens. We made no deductions or adjustments to USP.

Foreign Market Value

We based FMV on a retail price contained in the petition, which was offered in Japan, for identical merchandise to that for which petitioner provided a U.S. price. We reduced the retail price by 25 percent to arrive at the price offered to Japanese distributors based on information in the petition. The terms of the Japanese prices were FOB factory; therefore, no deductions or adjustments to FMV were made.

Currency Conversion

In accordance with 19 CFR 353.60, we converted foreign currency to United States currency using the official exchange rate in effect on the appropriate date.

Best Information Available

We have determined that the questionnaire responses of the respondent provide an inadequate basis for estimating dumping margins. The Department determined that, for the information we examined at verification, the misreporting and inaccuracies in the responses were so material and pervasive as to make the responses inherently unreliable, compelling the Department to use BIA.

On July 11, 1991, Nikon submitted its section A and B responses, and on August 9, 1991, Nikon submitted its section C response. On August 23, 1991, Nikon submitted its response to the Department's August 9, 1991, deficiency letter. This deficiency response contained new and revised information. On September 6, 1991, Nikon submitted a partial response to the Department's August 23, 1991, deficiency letter. The information contained in this response was significantly different from Nikon's previous responses. Then, on September 23, 1991, Nikon submitted another partial response with further new and revised information. Finally, on October 7, 1991, the date of the preliminary determination in this investigation, Nikon submitted yet another response containing substantially revised information.

Even though we used Nikon's July 11, 1991, August 9, 1991, August 23, 1991, and September 6, 1991, responses for the preliminary determination, we accepted Nikon's September 23, 1991, and October 7, 1991, submissions and examined these responses at verification. At verification, we discovered that Nikon's September 23, 1991, and October 7, 1991, responses, as well as the responses used in the preliminary determination, were so flawed, as discussed below, as to render them completely unreliable. At verification, company officials offered to again substantially revise their responses and submit computer tapes containing the new information to the Department. However, given the pattern of ever-changing data and methodology in this investigation, we determined it was inappropriate to accept what would constitute a completely new response after the preliminary determination.

At verification, the following items, among others, were found to have been inaccurately reported either fully, or in part: Home market payment dates; home market sale dates; home market gross unit prices; home market indirect selling expenses; home market inventory carrying expenses; home market advertising; home market sales to a related party (originally reported as unrelated sales); U.S. indirect selling expenses; U.S. foreign inland freight; U.S. sale dates; U.S. inland freight; U.S. brokerage and handling; U.S. marine insurance; U.S. credit; U.S. advertising; and the U.S. sales listing, which failed to report a number of U.S. sales. The deficiencies found are outlined in detail in the public version of our verification report and the public version of our BIA memoranda (dated December 15, 1991, January 31, 1992, and February 14, 1992), which are on file in room B-099 of the Main Commerce building.

In determining what rate to use as BIA, the Department follows a two-tiered methodology, whereby the Department may assign lower rates for those respondents who cooperated in an investigation and rates based on more adverse assumptions for those respondents who did not cooperate in an investigation. In the above-referenced investigation, Nikon attempted to provide the information that the Department requested; however, as noted above, the inaccuracies and discrepancies in Nikon's information are so pervasive as to make the responses inherently unreliable.

According to the Department's two-tiered BIA methodology outlined in the Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and parts thereof from the Federal Republic of Germany, Italy, Japan, Romania, Sweden, Thailand, and the United Kingdom (AFBs) (54 FR 18992, 19033, may 3, 1989), when a company which is the only producer or exporter of the subject merchandise (as is Nikon) fails to provide the information requested in the form required, it is appropriate for the Department to assign to that company the higher of (1) the estimated margin found for the affected company in the preliminary determination, or (2) the margin alleged in the petition. In the lenses investigation, the margins alleged in the petition range from 0.5 percent to 158.00 percent, with an average petition margin of 56.95 percent. Therefore, if we allow the AFB hierarchy, we should assign Nikon the preliminary determined margin of 112.72 percent.

However, among the discrepancies in Nikon's responses that were identified at verification were unreported movement expenses in the United States and the failure to report as a related party the customer which accounted for the lowest price home market sales during the POI. Due to the nature and magnitude of these discrepancies, it is likely that the correction of such errors would yield a margin higher than the rate estimated in our preliminary determination. Therefore, to assign Nikon 112.72 percent in the final determination would, in essence, be rewarding Nikon for submitting inaccurate and inconsistent responses. Hence, instead of assigning Nikon the preliminary determined margin as dictated by the AFB hierarchy, we assigned Nikon the average of the margins contained in the petition which are above the preliminarily determined margin. Since there is only one margin alleged in the petition which is above 112.72 percent, we assigned Nikon this petition rate of 158.00 percent.

Interested Party Comments

Comment 1

In its January 27, 1992, submission, Nikon contends that the Department should accept revised computer tapes from Nikon. Respondent argues that the deficiencies in Nikon's response found at verification were minor in scope, and that the majority of discrepancies, if corrected based on verification, would result in a decrease in the dumping margins in this investigation. Nikon further contends that because Nikon cooperated with the investigation, the Department should utilize the revised computer tapes because the discrepancies found at verification are not of a scope to warrant the rejection of Nikon's response.

In its January 29, 1992, submission, petitioner argues that Nikon's request to submit revised computer data should be rejected since such a submission would be untimely within the meaning of 19 CFR 353.31. Petitioner contends that Nikon had numerous opportunities to revise its data prior to the Department's verification. Petitioner further argues that Nikon's request would result in the submission of "new" information long after verification.

DOC Position

The Department did not request revised computer tapes from Nikon because, although some of the numerous discrepancies found at verification were minor, others, including home market sales to an unreported related party, incorrect sales prices on some of the transactions examined, and unreported U.S. movement expenses, were not. Given the discovery at verification that the fourth generation of data submitted by Nikon still contained substantial discrepancies, the Department found that an unverified revised computer tape would contain similarly unreliable data. For example, for certain expenses, we noted four errors out of the ten observations reviewed. Nikon offered to correct these four observed errors; however, we have no way of knowing if the other observations in the database are correct, and, hence, whether a revised computer tape would be accurate. Furthermore, taking into account the sales to an unreported related party and unreported movement expenses, items of greater significance than the multitude of errors addressed in Nikon's January 27, 1992, submission, it is likely that the preliminarily determined margin would increase, rather than decrease. Although Nikon did cooperate with the investigation, given the magnitude and number of material discrepancies found, rejecting Nikon's response *in toto* is warranted.

Comment 2

Petitioner contends that the Department should use BIA in several areas due to Nikon's misreporting and miscalculations. Among other expenses, petitioner argues that BIA should be used for Nikon's home market indirect selling expenses, home market inventory carrying expenses, and U.S. inland freight. Petitioner further contends that the Department should disregard the home market sales to Nikon's related party.

Respondent contends that changes in Nikon's reported home market indirect selling expenses, home market inventory, and U.S. air freight and ocean freight and inland freight expenses based upon verification, would be addressed in revised computer tapes. Respondent further argues that the unreported U.S. sales found at verification would be included in a revised computer tape. As for the home market sales which were discovered at verification to be to a related party, respondent contends that the prices to this customer were based on the historic level of purchases by that customer, rather than its related party status; therefore, respondent argues that the Department should include these sales in the final determination.

In its February 7, 1992, submission, Nikon argues that the adjusted petition margins contained in that submission should be used when calculating BIA for the final determination in this investigation. Nikon adjusted the alleged U.S. prices contained in the petition for air freight and import duties. Nikon also adjusted the U.S. price for two types of lenses. Nikon, however, stated that it did not adjust the home market prices alleged in the petition because it was not aware of any adjustment that could be made to home market prices based on information contained in the petition. Nikon contends that, as BIA, the Department should use a simple average of these adjusted petition margins.

DOC Position

As noted in the "Best Information Available" section of this notice, the various responses submitted by Nikon are seriously deficient in numerous respects. As the Department stated in the Final Determination of Sales at Less Than Fair Value: Photo Albums and Filler Pages from Korea (50 FR 43754, October 29, 1985), "[i]t is the obligation of respondents to provide an accurate and complete response prior to verification so that the Department may have the opportunity to fully analyze the information and other parties are able to review and comment on it. The purpose of verification is to establish the accuracy of a response rather than to reconstruct the information to fit the requirements of the Department." Since verification at Nikon did not establish the accuracy of its responses, the Department is compelled to use BIA. *See* the "Best Information Available" section of this notice.

According to the Department's two-tiered BIA methodology outlined in AFBs, it would not be consistent with the Departmental policy to assign to Nikon the average of the adjusted petition margins because this average margin is lower than the preliminarily calculated margin. *See*, "Best Information Available" section of this notice. Furthermore, the Department did not use the alleged petition margins as adjusted by Nikon because, even though these adjusted petition rates lead to margins higher than those alleged in the petition, it is the Department's long-standing practice to rely upon petition rates published in our notice of initiation as BIA rather than on a respondent's unsubstantiated data.

Given the Department's use of BIA, other comments submitted by the parties in their briefs in this investigation are moot, and will not be addressed in this notice.

Continuation of Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs

Service to continue to suspend liquidation of all entries of lenses from Japan that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall continue to require a cash deposit or posting of a bond equal to the estimated amounts by which the foreign market value of lenses exceeds the United States price as shown below. The suspension of liquidation on lenses will remain in effect until further notice. The dumping margins are as follows:

Manufacturer/producer/exporter	Margin percentage
Nikon Corp. and Nikon Inc.	158.00
All Others	158.00

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. If the ITC determines that material injury, or threat of material injury, does not exist with respect to lenses, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all lenses from Japan, entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d) and 19 CFR 353.20.

Dated: February 21, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-4529 Filed 2-26-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-307-803]

Gray Portland Cement and Clinker From Venezuela; Suspension of Investigation

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

ACTION: Notice.

SUMMARY: The Department of Commerce has decided to suspend the antidumping investigation involving gray portland cement and clinker from Venezuela. The basis for the suspension is an agreement by the Venezuelan producers/exporter, which account for substantially all of the known products from Venezuela, to revise their prices to eliminate sales of this merchandise to the United States at less than fair value.

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Wendy Frankel, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Case History

On May 21, 1991, the Ad Hoc Committee of Florida Producers of Gray Portland Cement (the Ad Hoc Committee) filed with the Department of Commerce (the Department) an antidumping duty petition on behalf of the United States industry producing gray portland cement and clinker. In accordance with 19 CFR 353.12, the petitioner alleged that imports of gray portland cement and clinker from Venezuela are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a regional U.S. industry (Florida). We initiated such an investigation on June 14, 1991 (56 FR 27496).

Since our initiation, the following events have occurred. On July 17, 1991, the U.S. International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that a regional industry in the United States is materially injured, or threatened with material injury, by reason of imports of gray portland cement and clinker from Venezuela (56 FR 32589).

On July 12, 1991, the Department presented its questionnaire to Venezolana de Cementos, S.A.C.A. (Vencemos), whose sales accounted for more than 60 percent of imports of gray portland cement and clinker during the period of investigation (POI).

In August and September 1991, we received responses to the questionnaire from Vencemos and from Cementos Caribe, C.A. (Caribe), a voluntary respondent. Subsequent to these responses, we issued deficiency questionnaires. In addition, based on information in the respondent's initial questionnaire responses, a further manufacturing questionnaire section was issued to Vencemos. Responses to all of the aforementioned questionnaire sections and supplements were received from the respondents in time for consideration for purposes of the preliminary determination.

On September 12, 1991, petitioner alleged that Vencemos was selling clinker in its largest third country market at prices below the cost or production. Given that Vencemos' home market was not viable with respect to sales of clinker, on October 10, 1991, the Department initiated a cost of production (COP) investigation with regard to Vencemos' sales of clinker to that third country. The Department issued a COP questionnaire on October 16, 1991, but the response to that questionnaire were not received before the preliminary determination. On August 2, 1991, the Department received challenges to petitioners' standing from two U.S. producers of gray portland cement and clinker. We received responses to our standing questionnaire from those companies on August 21, 1991. The Department determined that petitioner had standing to bring this case (56 FR 56390; November 4, 1991).

On October 4, 1991, petitioner alleged the existence of critical circumstances and on October 10, 1991, the Department requested shipment information from respondents. The Department found no reasonable basis to believe or suspect that critical circumstances existed with respect to the subject merchandise (56 FR 56390; November 4, 1991).

On November 4, 1991, we published a preliminary determination that gray portland cement and clinker from Venezuela were being sold at less than fair value in the United States (54 FR 56390). Between November 9 and November 18, 1991, we conducted verification of the sales information provided by these respondents at their facilities in Venezuela, Florida and Georgia. Subsequently, between January 11 and January 21, 1992, in Venezuela, we verified the accuracy of the information provided in the respondents' cost of production and constructed value questionnaire responses.

Products Under Investigation

The products covered by this investigation are gray portland cement and clinker. Gray portland cement and clinker are currently classifiable under subheadings 2523.10 and 2523.29 of the Harmonized Tariff Schedule (HTS). Gray portland cement has also been entered under HTS subheading 2523.90 as "other hydraulic cements." Gray portland cement is a hydraulic cement

and the primary component of concrete. Clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Oil well cement is also included within the scope of the investigation. Although the HTS subheadings are provided for convenience and customs purpose, our written description of the scope of this proceeding remains dispositive.

Suspension of Investigation

On December 23, 1991, the Department and the respondents initialed a proposed agreement to suspend the antidumping investigation on gray portland cement and clinker from Venezuela. The Department gave parties an opportunity to comment on the proposed suspension agreement. Petitioner commented on aspects of the draft cost questionnaire but made no comments on the proposed suspension agreement. This cost questionnaire is not part of the suspension agreement, therefore, we will consider petitioner's comments when developing the subsequent cost questionnaire.

We have determined that the agreement will eliminate sales of this merchandise to the United States at less than fair value, that the agreement can be monitored effectively, and that the agreement is in the public interest. We find, therefore, that the criteria for suspension of an investigation pursuant to section 734 of the Act have been met. The terms and conditions of the agreement, signed February 11, 1992, are set forth in annex 1 to this notice.

Pursuant to section 734(f)(2)(A) of the Act, the suspension of liquidation of all entries of gray portland cement and clinker from Venezuela, entered or withdrawn from warehouse, for consumption effective November 4, 1991, as directed in our notice of "Antidumping Preliminary Determination of Sales at Less than Fair Value, Gray Portland Cement and Clinker from Venezuela" is hereby terminated. Any cash deposits on entries of gray portland cement and clinker from Venezuela pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section 734(g) of the Act within 20 days after the date of publication of this notice. This notice is published pursuant to section 734(f)(1)(A) of the Act.

Dated: February 20, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

ANNEX I

Gray Portland Cement and Clinker From Venezuela; Suspension Agreement

Pursuant to section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) (the Act), and § 353.18 of title 19 U.S. Code of Federal Regulations (19 CFR part 353) (the regulations), the U.S. Department of Commerce (the Department) and the signatory producers/exporters of gray portland cement and clinker from Venezuela, enter into this suspension agreement (the Agreement). On the basis of this suspension agreement, the Department shall suspend its antidumping investigation initiated on June 14, 1991 (56 FR 27496) with respect to gray portland cement and clinker from Venezuela, subject to the terms and provisions set out below.

A. Product Coverage

The merchandise subject to this agreement is the following merchandise produced in and exported from Venezuela (either directly or indirectly):

Gray portland cement and clinker, which are currently classifiable under subheadings 2523.29 and 2523.10 of the Harmonized Tariff Schedule (HTS). Gray portand cement has also been entered under HTS subheading 2523.90 as "other hydraulic cements." Gray portland cement is a hydraulic cement and the primary component of concrete.

Clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Oil well cement is also subject to this Agreement. Microfine cement is not included within the scope of this investigation and therefore is not subject to this Agreement.

B. U.S. Import Coverage

Venezolana de Cementos, S.A.C.A. (Vencemos) and Cementos Caribe, C.A. (Caribe), the signatory producers/exporters, collectively are the producers and exporters in Venezuela which, during the antidumping investigation of the merchandise subject to this Agreement, accounted for substantially all (not less than 85 percent) of the merchandise imported into the United States from Venezuela, as provided in the Department's regulations. The Department may at any time during the period of this Agreement require additional producers/exporters in Venezuela to sign this Agreement in order to ensure that not less than substantially all imports into the United States are covered by this Agreement.

In reviewing the operation of this Agreement for the purpose of determining whether this Agreement has been violated or is no longer in the public interest, the Department will consider imports into the United States from all sources of the merchandise described in section A of this Agreement. For this purpose, the Department will consider factors including, but not limited to, the following: Volume of trade, pattern of trade, whether or not a reseller is an original equipment manufacturer, and the reseller's purchase price.

C. Basis for the Agreement

On and after the effective date of this Agreement, each signatory producer/exporter agrees to make any necessary price revisions to eliminate completely any amount by which the foreign market value of its merchandise exceeds the United States price of its merchandise subject to this Agreement. For purposes of this agreement, the Department will determine the foreign market values in accordance with section 773 of the Act, and the U.S. prices in accordance with section 772 of the Act. In calculating foreign market value, the Department may also consider, to the extent it deems appropriate, information submitted by the producers/exporters regarding projected differences in production costs within the quarter in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process, changes in production quantities or changes in production facilities.

1. For all sales occurring between February 27, 1992, and March 1, 1992, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement to unrelated purchasers in the United States at prices that are less than its foreign market value, as determined by the Department on the basis of information obtained during the course of the antidumping investigation and provided to parties not later than February 27, 1992.

2. For all sales occurring between March 1, 1992, and July 31, 1992, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement to unrelated purchasers in the United States at prices that are less than its foreign market value, as determined by the Department on the basis of information submitted to the Department on February 11, 1992, and provided to parties not later than February 28, 1992.

3. For all sales occurring between August 1, 1992, and September 31, 1992, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement to unrelated purchasers in the United States at prices that are less than its foreign market value, as determined by the Department on the basis of information submitted to the Department on June 1, 1992, and provided to parties not later than July 20, 1992.

4. For all sales occurring after October 1, 1992, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement to any unrelated purchaser in the United States at prices that are less than the foreign market value of the merchandise as determined by the Department on the basis of information submitted to the Department not later than the dates specified in section D of this Agreement and provided to parties not later than September 20, December 20, March 20, and June 20 of each year. The foreign market value shall apply to sales occurring during the calendar quarter beginning on the first day of the month following the date the Department provides

the foreign market value, as stated in this paragraph.

D. Monitoring

Each signatory producer/exporter will supply to the Department all information that the Department decides is necessary to ensure that the producer/exporter is in full compliance with the terms and conditions of this Agreement. As explained below, the Department will provide each signatory producer/exporter a detailed request for information and prescribe a required format and method of data compilation not later than the beginning of each reporting period.

1. Sales Information. The Department will require each signatory producer/exporter to report, on computer tape in the prescribed format and using the prescribed method of data compilation, each sale of the merchandise subject to this Agreement, either directly or indirectly to unrelated purchasers in the United States, including each adjustment applicable to each sale, as specified by the Department.

The first report of sales data shall be submitted to the Department on computer tape in the prescribed format not later than June 1, 1992, and shall contain the specified sales data covering the period March 1, 1992, through March 31, 1992. The second report of sales data shall be submitted to the Department not later than August 21, 1992, and shall contain the specified sales data covering the period April 1, 1992, through June 30, 1992. The third report of sales data shall be submitted to the Department not later than October 30, 1992 and shall contain the specified sales data covering the period July 1, 1992, through September 30, 1992. Subsequent reports of sales data shall be submitted to the Department not later than January 31, April 30, July 31, and October 31 of each year, and each report shall contain the specified sales information for the quarter ending one month prior to the due date, except that if the Department receives information that a possible violation of the Agreement may have occurred, the Department may request sales data on a monthly, rather than on a quarterly, basis.

2. Cost Information. The Department will require Vencemos and Caribe to report their constructed value data on a quarterly basis, in the prescribed format and using the prescribed method of data compilation. Each such producer/exporter must also report anticipated increases in production costs and may report anticipated decreases in production costs in the quarter in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process, changes in production quantities or changes in production facilities.

The first report of cost data shall be submitted to the Department not later than February 11, 1992, and shall contain the specified cost data covering the period April 1, 1991, through September 30, 1991. The second report of cost data shall be submitted to the Department not later than June 1, 1992, and shall contain the specified cost data covering the period January 1, 1992, through March 31, 1992. The third report of cost data shall be submitted to the Department not later than August 31, 1992, and shall contain the specified cost data covering the period April 1, 1992, through June 30, 1992. Subsequent reports shall be submitted to the Department not later than October 31, January 31, April 30, and July 31 of each year, and each report shall contain the specified cost information for the quarter ending one month prior to the due date.

3. Special Adjustment of Foreign Market Value. If the Department determines that the foreign market value it determined for a previous quarter was erroneous because the reported data for that period were inaccurate or incomplete, or for any other reason, the Department may adjust foreign market value in a subsequent period or periods, unless the Department determines that section G of this Agreement applies.

4. Verification. Each signatory producer/exporter agrees to permit full verification of all cost and sales information semi-annually, or more frequently, as the Department deems necessary.

5. Rejection of Submissions. The Department may reject any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction.

If information is not submitted in a complete and timely fashion or is not fully verifiable, the Department may calculate foreign market value and/or U.S. price based on the best information otherwise available, as it determines appropriate, unless the Department determines that section G of this Agreement applies.

E. Disclosure and Comment

1. The Department may make available to representatives of each domestic party to the proceeding, under appropriately drawn administrative protective orders, business proprietary information submitted to the Department during each quarter as well as the results of its calculations of foreign market value.

2. Not later than July 1, 1992, December 1, 1992, and March 1, June 1, September 1, and December 1 in subsequent years, the Department will disclose to each producer/exporter the results and the methodology of the Department's calculations of its foreign market value. At that time, the Department may also make available such information to the domestic parties to the proceeding, in accordance with paragraph E.1.

3. Not later than seven days after the date of disclosure under paragraph E.2., the parties to the proceeding may submit to the Department written comments, not to exceed 10 pages. After reviewing these submissions, the Department will provide to each producer/exporter its foreign market value as provided in paragraph C.3. In addition, the Department may provide such information to domestic interested parties as specified in paragraph E.1.

4. Once during each calendar year of this Agreement, the Department shall provide an opportunity for each party to the proceeding to request a hearing on issues raised during the proceeding. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act and applicable regulations.

F. Signatories

To the extent administratively feasible, the Department will calculate foreign market values based on cost data that may be submitted by any signatory producer/exporter not required to submit such data under paragraph D.2. To the extent such calculations are not administratively feasible, such producers/ exporters may be assigned a foreign market value for each applicable product which is the weighted-average foreign market value of those companies for which specific foreign market values have been calculated.

G. Violation of the Agreement

If the Department determines that this Agreement is being or has been violated or no longer meets the requirements of section 734(b) or (d) of the Act, the Department shall take action it determines appropriate under section 734(i) of the Act and the regulations.

H. Other Provisions

In entering into this Agreement, the signatory producers/exporters do not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value.

I. Termination

Absent likelihood of dumping, the Department of Commerce expects to terminate this suspended investigation in January 1997.

J. Definitions

For purposes of this Agreement, the following definitions apply:

1. U.S. Price—means the price at which merchandise is sold by the producer, or exporter to the first unrelated party in the United States, inclusive of the amount of any discounts, rebates, price protection or ship and debit adjustments, and other adjustments affecting the net amount paid or to be paid by the unrelated purchaser, as determined by the Department under section 772 of the Act.

2. Foreign Market Value—means the constructed value of the merchandise, as determined by the Department under section 773(e) of the Act, except in the interim period, as noted in item C.1. above. In calculating foreign market value, the Department may also consider, to the extent it deems appropriate, information submitted by producers/exporters regarding projected differences in production costs in the quarter in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process, changes in productions quantities or changes in production facilities.

3. Producer/Exporter—means (a) the foreign manufacturer or producer, (b) the foreign producer or reseller which also exports, and (c) the related person by whom or for whose account the merchandise is imported into the United States, as defined in section 771(13) of the Act.

4. Date of Sale—For contracts entered into on or after February 27, 1992, the date of sale is the date on which the essential terms of the contract, including price, are agreed and

determinable, normally the date of confirmation of sale.

The effective date of this Agreement is February 27, 1992.

Signed on this 11 day of February 1992.

For Venezuelan producers/exporters: For Venezolana de Cementos, S.A.C.A.

Angel Graterol.

For Cementos Caribe, C.A.

Felix Saez de Ibarra.

For the U.S. Department of Commerce.

Alan M. Dunn,

Assistant Secretary for Import Administration.

I have determined pursuant to section 734(b) of the Act that the provisions of section C eliminate completely sales at less than fair value with respect to gray portland cement and clinker exported, directly or indirectly, from Venezuela to the United States. Furthermore, I have determined that suspension of the investigation is in the public interest, that the provisions of section D ensure that this Agreement can be monitored effectively, and the Agreement meets the requirements of section 734(d) of the Act.

Signed on this 11 day of February, 1992.

For the U.S. Department of Commerce.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-4417 Filed 2-26-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-502]

Certain Iron Construction Castings From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by one manufacturer/exporter and the petitioners, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain iron construction castings from the People's Republic of China. This notice covers nine manufacturers/exporters for the period May 1, 1990 through April 30, 1991. The review indicates the existence of dumping margins during the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties based on the best information available.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Philip Marchal or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1986, the Department of Commerce (the Department) published in the **Federal Register** (51 FR 17222) an antidumping duty order on certain iron construction castings from the People's Republic of China (PRC). Petitioners, the Municipal Castings Fair Trade Council and its individually-named members—Alhambra Foundry, Inc., Allegheny Foundry Co., Bingham and Taylor Division, Virginia Industries, Inc., Campbell Foundry Co., Charlotte Pipe and Foundry Co., Deeter Foundry Co., East Jordan Iron Works, Inc., LeBaron Foundry Inc., Municipal Castings, Inc., Neenah Foundry Co., Opelika Foundry Co., Pinkerton Foundry, Inc., Tyler Pipe Industries Inc., U.S. Foundry and Manufacturing Co., and Vulcan Foundry, Inc.—and one respondent, Guangdong Metals and Minerals Import and Export Corporation (Minmetals Guangdong)—requested that we conduct an administrative review for the May 1, 1990 through April 30, 1991 period. We published a notice of initiation on June 18, 1991 (56 FR 27943). The Department has now conducted a review for this period in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Questionnaires were sent to nine companies: The Beijing Branch of the China National metals and Minerals Import and Export Corporation, Minmetals Guangdong, the Liaoning (or Dalian) Branch of the China National Metals and Minerals Import and Export Corporation, the Jilin Branch of the China National Metals and Minerals Import and Export Corporation, the Anhui Branch of the China National Metals and Minerals Import and Export Corporation (Minmetals Anhui), China National Metals and Minerals Import and Export Corporation (CNMMIEC), China National Machinery Import and Export Corporation, China National Machinery and Equipment Import and Export Corporation, and China National Light Industrial Products Import and Export Corporation. Minmetals Anhui and CNMMIEC responded to our questionnaire that they had no shipments of the subject merchandise during the period of review. The other seven companies did not respond.

In the final results of administrative review for the 1988-89 period, the most recent period for which final review results have been issued, we determined that because the PRC is a state-controlled economy, a single country-wide rate was appropriate absent a clear showing of legal, financial, and economic independence, and was appropriate for that review. See Iron Construction Castings From the People's Republic of China; Final Results of Antidumping Duty Administrative Review (January 24, 1991, 56 FR 2742). Also, see Sparklers from the People's Republic of China; Final Determination of Sales at Less than Fair Value (May 6, 1991, 56 FR 20588). We have received no evidence to the contrary during this review. Therefore, we determine that a single country-wide rate is appropriate for this review.

Scope of the Review

Imports covered by this review are shipments of certain iron construction castings, limited to: Manhole covers, rings and frames; catch basin grates and frames; cleanout covers and frames used for drainage or access purposes for public utility, water, and sanitary systems; and valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable. Certain iron construction castings are currently classifiable under numbers 7325.10.00.00 and 7325.10.00.50 of the Harmonized Tariff Schedule (HS). Although the HS numbers are provided for convenience and Customers purposes, our written description of the scope of this proceeding is dispositive.

This review covers nine manufacturers and exporters of the subject merchandise and the period May 1, 1990 through April 30, 1991.

Best Information Available

Seven companies failed to respond to our questionnaire. The Department has therefore decided to use the best information available (BIA) in determining the country-wide rate.

When a company fails to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department considers the company uncooperative and generally assigns to that company the higher of: (a) The highest rate assigned to any company in a previous review or the determination of sales at less that fair value, or (b) the highest rate for a responding company with shipments during the review period. See 19 CFR 353.37(b) See Final Results of Antidumping Duty Administrative Reviews: Portable Electric Typewriters from Japan (November 4, 1991, 56 FR 36393).

For BIA, we have used the rate of 45.92 percent from the final results of the 1988–89 (third) administrative review, the most recent completed review.

If we determine to use BIA for the final results of this review, we may change the BIA rate used to reflect the final results of review for a more recent review period, the 1989–90 period, if such final results have been issued by that time.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the margin for the period May 1, 1990 through April 30, 1991 is 45.92 percent. This rate applies to all exports of certain iron construction castings from the PRC.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed companies will be that rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above which received their own rate in the prior review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 45.92 percent, the "all others" rate established in the final results of this administrative review. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period.

Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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 353.22.

Dated: February 19, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–4530 Filed 2–26–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–791–502]

Low-Fuming Brazing Copper Wire and Rod From South Africa; Determination Not To Revoke Antidumping Duty Order

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

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

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on low-fuming brazing copper wire and rod from South Africa.

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Jorge A. Arce or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION: The Department may revoke an antidumping duty order, pursuant to § 353.25(d)(4) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no interested party objects to the revocation (19 CFR 353.24(d)(4)). We had not received a request to conduct an administrative review of the antidumping duty order on low-fuming brazing copper wire and rod from South Africa (51 FR 3640, January 29, 1986) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on December 31, 1991, we published in the Federal Register a notice of intent to revoke the order and served written notice of the intent to revoke to each interested party on the Department's service list.

On January 30, 1992, Copper & Brass Fabricators Council, Inc., a petitioner, objected to our intent to revoke this order. Therefore, because an interested party objects to the revocation, we no longer intent to revoke this order.

Dated: February 20, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92–4531 Filed 2–26–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–818]

Initiation of Antidumping Duty Investigation: Medium Voltage Underground Distribution Cable From Canada

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

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Stefanie Amadeo, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–1174.

INITIATION OF INVESTIGATION:

The Petition

On January 31, 1991, we received a petition filed in proper form by the U.S. Cable Trade Action Group (the petitioner). Supplements to the petition were received on February 11, 18, 19, and 20, 1992. In accordance with 19 CFR 353.12, the petitioner alleges that medium voltage underground distribution cable (URD) from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

The petitioner has stated that it has standing to file the petition because it is

an interested party, as defined under section 771(9)(E) of the Act, and because it has filed the petition on behalf of a U.S. industry producing a product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), and (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, it should file a written notification with the Assistant Secretary for Import Administration.

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

United States Price and Foreign Market Value

Petitioner's estimate of U.S. price (USP) is based on domestic industry sources and is comprised of bids, or offers for sale of the subject merchandise in the United States by the Canadian producer. Petitioner adjusted USP for movement charges.

Petitioner estimated foreign market value (FMV) based both on actual home market sales prices obtained from public bids and on constructed value (CV). Petitioner adjusted the bid prices for differences in merchandise. We deducted freight charges from the bid price.

Based on the comparisons of the bid prices in both markets, the alleged dumping margins for URD from Canada range from 77.22 to 240.48 percent. Based on the comparisons of USP and CV, the alleged dumping margins for URD from Canada range from 53.9 to 126.9 percent.

Initiation of Investigation

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

Scope of Investigation

The merchandise subject to this investigation, medium voltage underground distribution cable (URD), is an insulated electrical conductor used by electric utility companies in the medium voltage stage (*i.e.*, for voltages exceeding 1,000 volts but not exceeding 46,000 volts) of transmitting electricity. URD is generally used by utility companies to distribute electricity from regional substations to neighborhood transformers. URD is composed principally of metal (generally aluminum or copper for the conductor, and copper for the "neutral" or ground wires) and insulating compounds (*e.g.*, polyethylene). Imports of this product are currently classifiable under Harmonized Tariff Schedule (HTS) subheading 8544.60.60. Although this subheading also includes insulated electrical conductors of greater than 46,000 volts, the scope of this investigation is limited to medium voltage underground distribution cable. Although the HTS subheading is provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Preliminary Determination by the International Trade Commission

The International Trade Commission will determine by March 16, 1992, whether there is a reasonable indication that imports of URD from Canada are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. Otherwise, if the investigation proceeds normally, the Department will make its preliminary determination on or before July 9, 1992.

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

Dated: February 20, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-4532 Filed 2-26-92; 8:45 am]

BILLING CODE 3510-DS-M

Export Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the 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) authorized 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 whether a Certificate should be issued. 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 92-00004". A summary of the application follows.

Summary of Application

Applicant: John J. Wheeling, 11117 Sunglow Dr., Moreno Valley, CA 92557, Telephone: 714-242-3807

Application No.: 92-00004.

Date Deemed Submitted: February 13, 1992.

Export Trade

(1) *Products*

Telecommunications Equipment, Auto Parts, and Electronic Equipment.

(2) *Technology Rights*

Proprietary rights to all kinds of technology associated with Products including but not limited to patents, trademarks, service marks, trade names, copyrights (including neighboring rights), trade secrets, know-how, semiconductor mask works, utility models (including petty patents), and computer software protection.

(3) *Export Trade Facilitation Services (as They Relate to the Export of Products and Technology Rights)*

Acting as distributor or broker; conducting marketing research; and conducting studies to determine the ability of suppliers to provide Products to certain foreign buyers.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam and the Commonwealth of the Northern Mariana Islands)

Export Trade Activities and Methods of Operation

1. To engage in Export Trade in Export Markets, John J. Wheeling may:

a. Provide and/or arrange for the provision of Export Trade Facilitation Services;

b. Engage in promotional and marketing activities;

c. Enter into exclusive export sales agreements with Suppliers for the export of Products for sale in the Export Markets; such agreements may prohibit Suppliers from exporting independently of John J. Wheeling;

d. Enter into exclusive agreements with distributors in the Export Markets;

e. Establish the price of Products for sale in the Export Markets; and

f. Allocate export orders among his Suppliers.

2. John J. Wheeling and individual Suppliers may regularly exchange information on a one-to-one basis regarding inventories and near term production schedules in order that the availability of supplies for export can be determined and effectively coordinated by John J. Wheeling with his distributors in the Export Markets.

Definitions

"Supplier" means a person who produces, provides, or sells a Product or Technology Right.

Dated: February 24, 1992.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-4525 Filed 2-26-92; 8:45 am]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review

ACTION: Notice of Issuance of an amended export trade certificate of review, application No. 90-3A005.

SUMMARY: The Department of Commerce has issued an amended Export Trade Certificate of Review to the California Kiwifruit Commission ("CKC") and California Kiwifruit Exporters Association ("CKEA") on February 24, 1992. The original Certificate was issued on August 10, 1990 (55 FR 33740, August 17, 1990) and previously amended on November 27, 1990 (55 FR 50204, December 5, 1990), and January 29, 1991 (56 FR 4601, February 5, 1991).

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 Certificate of Review. The regulations implementing title III are found at 15 CFR part 325 (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

CKC's and CKEA's Export Trade Certificate of Review has been amended to:

1. Add the following two companies as "Members" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(a)): Murrah Packing, Inc., Gridley, California; and Kiwi Sales of California, Gridley, California; and

2. Delete Calavo Growers of California, Santa Ana, California; Riverbend Sales Inc., Sanger, California; Davis Kiwi Gardens, Inc., Porterville, California; Kiwi Blossom Packing, Gridley, California; Sun Fresh Marketing, Delano, California; and Visalia Produce Sales, Visalia, California as "Members" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)).

A copy of the amended 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.

EFFECTIVE DATE: November 26, 1991.

Dated: February 24, 1992.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-4533 Filed 2-26-92; 8:45 am]

BILLING CODE 3510-DR-M

Scripps Clinic and Research Foundation, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

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

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91-118. *Applicant:* Scripps Clinic and Research Foundation, La Jolla, CA 92037. *Instrument:* Mass Spectrometer, Model API III. *Manufacturer:* Sciex, Canada. *Intended Use:* See notice at 56 FR 46597, September 13, 1991. *Reasons:* The foreign instrument provides: (1) Triple quadrupole mass spectrometry, (2) liquid chromatography at flow rates to 200 µl per minute and (3) mass range to 2400. *Advice Submitted By:* National Institutes of Health, December 18, 1991.

Docket Number: 91-119. *Applicant:* Oklahoma Medical Center, Oklahoma City, OK 73104. *Instrument:* Dual Station Rapid Karyotyping System. *Manufacturer:* Applied Imaging Corporation, United Kingdom. *Intended Use:* See notice at 56 FR 46597, September 13, 1991. *Reasons:* The foreign instrument provides computer based metaphase location and karyotyping with a spatial image resolution of 768 x 575 pixels. *Advice Submitted By:* National Institutes of Health, January 14, 1992.

Docket Number: 91-122. *Applicant:* Associated Universities, Incorporated—Brookhaven National Laboratory, Upton, NY 11973. *Instrument:* Microvolume Stopped-Flow Spectrophotometer, Model SF.17MV. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* See notice at 56 FR 46597, September 13, 1991. *Reasons:* The foreign instrument provides: (1) Submillisecond dead time, (2) sensitivity of 0.0004 in absorbance change and (3) small sample capability to 50 µl per run) *Advice Submitted by:* National Institutes of Health, January 14, 1992.

Docket Number: 91-132 *Applicant:* National Institutes of Standards and Technology, Gaithersburg, MD 20899.

Instrument: Electron Beam Ion Trap. *Manufacturer:* Oxford University, United Kingdom. *Intended Use:* See notice at 56 FR 47188, September 18, 1991. *Reasons:* The foreign instrument provides generation of very highly charged ions using 3.0 tesla superconducting coils and a current density of 4000 A/cm². *Advice Submitted By:* National Institutes of Health, January 14, 1992.

Docket Number: 91–138. *Applicant:* University of California, Los Angeles, Los Angeles, CA 90024–1569. *Instrument:* Mass Spectrometer System, Model Autospec. *Manufacturer:* VG Analytical Ltd., United Kingdom. *Intended Use:* See notice at 56 FR 50861, October 9, 1991. *Reasons:* The foreign instrument provides: (1) Trisector MS/MS capability, (2) mass range to 3000 and (3) scan rate to 0.2 second/decade. *Advice Submitted By:* National Institutes of Health, January 14, 1992.

The National Institutes of Health advises that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–4534 Filed 2–26–92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Oceanic and Atmospheric Management Advisory Committee; Open Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

SUMMARY: The Oceanic and Atmospheric Management Advisory Committee (OAMAC) was established by the Secretary of Commerce on July 2, 1990, to advise the Secretary on issues related to the management of oceanic and atmospheric resources that fall within the legislative and administrative purview of the National Oceanic and Atmospheric Administration (NOAA). This Committee reviews on a selective basis, Earth systems research and data management, the status of marine and atmospheric science, service programs of NOAA, and NOAA's laboratories, fleet, satellites and supercomputers, and their application to resource management and to products and services beneficial to the American public.

TIME AND PLACE: March 5, 1992, from 8:30 a.m. until 5 p.m. at the Herbert Clark Hoover Building (HCHB), 14th Street and Constitution Avenue NW., Washington, DC 20230, and on March 6, 1992, from 8:30 a.m. until 4 p.m. at the Herbert Clark Hoover Building, 14th and Constitution Avenue NW., Washington, DC 20230.

AGENDA: This is the second meeting of OAMAC. The committee will consider reports from the four subcommittees: (1) NOAA Definition and Public Appreciation, (2) Fleet Modernization, (3) Weather Station Closings, (4) Fisheries—International Support.

PUBLIC PARTICIPATION: The meeting will be opened to the public. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: R.A. Edwards, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, Room 5804, Hoover Building, Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Telephone: (202) 377–3567.

R.A. Edwards,

Deputy Assistant Secretary for Oceans and Atmosphere.

Accordingly the following agenda for the second meeting of the Oceanic and Atmospheric Management Advisory Committee is published.

Agenda for the March 5–6, 1992 Meeting of the Oceanic and Atmospheric Advisory Committee

March 5, 1992

8:30 a.m. Meeting (Willard Hotel). OAMAC Overview and Business. Subcommittee Reports.
9:30 a.m. Report of Fisheries Subcommittee.
11 a.m. Report of Fleet Modernization Subcommittee.
12:30 p.m. Lunch break.
2:30 p.m. Meeting continues at Department of Commerce, room 1412. Briefing on the El Nino Effect.
5 p.m. Meeting concludes.

March 6, 1992

8:30 a.m. Subcommittee reports continue (Department of Commerce, Room 1851).

Report of Weather Station Subcommittee

10 a.m. Report of Public Awareness Subcommittee.
Noon—Lunch break.
1 p.m. Briefing on Sanctuaries.
2 p.m. Conclude OAMAC Business.
2:30 p.m. Adjournment.

[FR Doc. 92–4470 Filed 2–26–92; 8:45 am]

BILLING CODE 3510-08-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will meet on March 9–13, 1992, at the Sea-Tac Red Lion Hotel, 18740 Pacific Highway South, Seattle, WA. Except as noted below, the meetings are open to the public.

The Council will begin its meeting on March 9 at 1 p.m. in open session to discuss 1992 salmon fishery management measures. At 4 p.m., the Council will accept public comments on issues not listed on the agenda.

On March 10 at 8 a.m. the Council will convene a closed session (not open to the public) to discuss international negotiations affecting salmon management. The open session will begin at 8:30 a.m. to continue the discussion of 1992 salmon management measures.

On March 11 at 8 a.m., the Council will begin at open session to discuss groundfish management issues. The groundfish discussion will be continued at 8:30 a.m. on March 12 following a second closed session to discuss litigation and personnel matters at 8 a.m. Also on March 12 the Council will discuss work load priorities for 1992 and administrative matters. On March 13, the Council will conclude salmon management agenda items.

Salmon Management Issues: (1) Review of 1991 fisheries and summary of 1992 stock abundance estimates; (2) final reports on overfishing reviews; (3) status of the Endangered Species Act assessments; (4) reviews of salmon methodology; (5) preliminary definition of 1992 salmon management options; (6) adoption of management options for Salmon Technical Team analysis; (7) policy on adjustments to seasons due to adverse weather; (8) specific proposals for plan amendment issues; (9) schedule of hearings and appointment of hearings officers; and (10) adoption of 1992 management options for public review.

Groundfish Management Issues: (1) Status of Federal review of Council groundfish actions; (2) Pacific Whiting allocation; (3) management of bycatch in the whiting fishery; (4) foreign vessel permit applications for transshipment activities in 1992; (5) sablefish allocation; (6) status of development of a

comprehensive groundfish data gathering program. (7) scoping session on individual quotas in the groundfish and Pacific halibut fisheries; and (8) enforcement of yellowtail rockfish trip limits north and south of Cape Lookout.

The Scientific and Statistical Committee will meet on March 9 at 8 a.m., to address scientific issues on the Council's agenda, and reconvene on March 10 at 8 a.m.

The Salmon Advisory Subpanel will meet on March 9 at 8 a.m., to address salmon fishery management issues on the Council's agenda, and reconvene on March 10–13 at 8 a.m., or as necessary, to complete its agenda.

The Salmon Technical Team will meet as necessary on Marcy 9–13 to assist the Salmon Advisory Subpanel, and to prepare impact analyses for management options.

The Foreign Fishing Committee will meet on March 9 at 6 p.m., to review foreign vessel permit applications.

The Budget Committee will meet on March 9 at 6 p.m., to review the fiscal year 1992 Council budget and to make recommendations for adjustments if necessary.

Enforcement Consultants will meet on March 10 at 7 p.m., to address enforcement issues on the Council agenda.

Detailed agendas for the above meetings will be available to the public after February 27, 1992. For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326–6352.

Dated: February 21, 1992.

David S. Crestin,

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

[FR Doc. 92–4449 Filed 2–26–92; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Select Committee for the Resolution of Gear Conflict and Longline Area Closure Hardships will hold a public meeting on March 4, 1992, beginning at 1:30 p.m. The meeting will be held in the Boardroom of the Department of Land and Natural Resources (DLNR), Hawaii DLNR, 1151 Punchbowl Street, Honolulu, Hawaii.

The Committee will: (1) Review proposals for altering the size of area closures to minimize hardships to longline fishermen while continuing to avoid the risk of gear conflict; (2) develop recommendations for presentation to the Council at its March meeting regarding possible changes to the Main Hawaiian Islands longline area closures; and (3) discuss other business.

For more information contact Kitty M. Simonds, Executive Director, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 526–0824.

Dated: February 21, 1992.

David S. Crestin,

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

[FR Doc. 92–4450 Filed 2–26–92; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts' next meeting is scheduled for Thursday, 19 March 1992 at 10:00 a.m. in the Commission's offices in the Pension Building, suite 312, Judiciary Square, 441 F Street NW., Washington, DC 20001 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC, 21 February 1992.

Charles H. Atherton,

Secretary.

[FR Doc. 92–4501 Filed 2–26–92; 8:45 am]

BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

New York Cotton Exchange Proposed Futures Option Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures option contract.

SUMMARY: The New York Cotton Exchange (NYCE or Exchange) has applied for designation as a contract market in futures options on cotton No. 2 straddles. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before March 30, 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. Reference should be made to the cotton No. 2 futures option contract on straddles.

FOR FURTHER INFORMATION CONTACT: Please contact Frederick Linse of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the NYCE in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the terms and conditions of the proposed contract, or with respect to other materials submitted by the NYCE in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on February 21, 1992.

Blake Imel,

Deputy Director.

[FR Doc. 92-4458 Filed 2-26-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

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: 24-25 March 1992.

Time: 0800-1700 hours daily.

Place: Ft Gordon, GA.

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. 92-4419 Filed 2-26-92; 8:45 am]

BILLING CODE 3710-8-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education, Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: March 16, 1992 from 9 a.m. to 5 p.m. (closed); March 17, 1992 from 9 a.m. to 12 p.m. (open).

ADDRESSES: Governor's House Holiday Inn, Rhode Island Avenue at 17th Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Charles Karelis, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets SW., Washington, DC 20202. Telephone: (202) 708-5750.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education (Fund) is established under Section 1003 of the Higher Education Act of 1965, as amended (20 U.S.C. 1135a-1). The National Board of the Fund is authorized to recommend to the Director of the Fund and the Assistant Secretary for Postsecondary Education priorities for funding and approval or disapproval of grants submitted to the Fund.

On March 17, 1992 the Board will meet in open session from 9 a.m. to 12 p.m. The proposed agenda for the open portion of the meeting will include a review of the progress of FIPSE special initiatives, including: The Higher Education Cooperation and Exchange between the United States and the European Community program; College-School Partnerships to Improve Learning of Essential Academic Subjects, Kindergarten through College program; and the Leadership Projects in Science and the Humanities program.

On March 16, 1992 from 9 a.m. to 5 p.m. the meeting will be closed to the public for purpose of reviewing, evaluating, and recommending grant applications submitted to the Fund under the Innovative Projects for Community Services and Student Financial Independence Program. This portion of the meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C.A. appendix 2) and under exemptions (4) and (6) of the Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b(c) (4) and (6). The review and discussions of the applications and the qualifications of proposed staff to work on these grants is likely to disclose commercial or financial information obtained from a person and privileged or confidential, or information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the Office of the Fund for the Improvement of Postsecondary Education, room 3100, Regional Office Building #3, 7th & D Street SW., Washington, DC 20202 from the hours of 8 a.m. to 4:30 p.m.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92-4524 Filed 2-26-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96-511, 44 U.S.C. 3501 et. seq.). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. If

you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington DC, 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254–5384.

SUPPLEMENTARY INFORMATION: The first energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–592
3. 1902–0157
4. Marketing Affiliates of Interstate Pipelines
5. Extension
6. On Occasion, Monthly, Quarterly
7. Mandatory
8. Businesses or other for-profit
9. 55 respondents
10. 12 responses
11. 10.6 hours per response
12. 6,996 hours
13. The information filed is to support the monitoring of pipeline marketing affiliate activity so as to deter undue discrimination by pipeline companies in favor of marketing affiliates and protect non-affiliates from discrimination.

The second information collection submitted for OMB review was:

1. Federal Energy Regulatory Commission
2. FERC–555
3. 1902–0098
4. Preservation of Records of Public Utilities and Licensees, Natural Gas Companies and Oil Pipeline Companies
5. Extension
6. Recordkeeping
7. Mandatory
8. Businesses or other for-profit
9. 500 recordkeepers
10. N/A
11. 2,400 hours per recordkeeper
12. 1,200,000 recordkeeping hours
13. The records retention regulations establish retention periods and necessary guidelines and requirements to sustain retention of applicable records for the 500 regulated public utilities, natural gas and oil pipeline companies subject to the jurisdiction of FERC.

Statutory Authority: Secs. 5(a), 5(b), 13(b), and 52, Public Law 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, February 20, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–4523 Filed 2–26–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA92–2–31–000]

Arkla Energy Resources; Refiling of Annual PGA

February 20, 1992.

Take notice that no February 18, 1992, Arkla Energy Resources, (AER), a division of Arkla, Inc., tendered for filing the following revised tariff sheets to become effective April 1, 1992:

Rate Schedule No. X–26

Original Volume No. 3
Eighteenth Revised Sheet No. 185.1

Rate Schedule No. G–2

Second Revised Volume No. 1
Tenth Revised Sheet No. 11

Rate Schedule No. CD

Second Revised Volume No. 1
Tenth Revised Sheet No. 16

AER states that the tariff sheets reflect AER's Fourth Annual PGA filing made pursuant to the commission's rules under Order Nos. 483 and 483–A.

AER further states that its Annual PGA is being resubmitted due to the rejection of AER's original filing in Docket No. TA92–1–31–000 by Commission order dated February 5, 1992, which has required AER to file Schedule B1 as a D1 Working Paper No. 21 on its electronic medium.

AER states that the proposed changes in the above tariff sheets reflect an increase in AER's system cost of $49,311 and would increase its revenue from jurisdictional sales and service by $69 for the PGA period of April, May and June 1992, as adjusted.

AER states that copies of the filing is being mailed to the jurisdictional customers served under AER's Rate Schedule Nos. X–26 and G–2 and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 6, 1992.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–4452 Filed 2–26–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–53–001 and CP89–2048–007]

Kern River Gas Transmission Co.; Compliance Filing

February 20, 1992.

Take notice that Kern River Gas Transmission Company (Kern River), on February 14, 1992, tendered for filing the following modified tariff sheets to be part of its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 52A

Substitute Original Sheet Nos. 5, 6, 10, 50, 52, 97, 98, 100, 500–502, 504–507, 509–510, 521–522, 600, 602, 604, 610, 700, 703, 712, 713, 803–804, 810–811 and 836

The tariff revisions are being submitted to comply with the requirements of the Commission's January 30, 1992 "Order Accepting Rate Filing Subject to Conditions" in Docket No. RP92–53–000. Pursuant to that order, the effective date of the tariff revisions is the date that transportation service commences on Kern River's new interstate natural gas pipeline system. Kern River has advised the Commission that the system in-service date is February 15, 1992.

Kern River states that copies of the filing were served upon all of Kern River's jurisdictional transportation customers and on the parties to the proceeding.

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 27, 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. 92-4453 Filed 2-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-2-5-002]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

February 20, 1992.

Take notice that on February 14, 1992, Midwestern Gas Transmission Company (Midwestern) filed the following revised tariff sheets to First Revised Volume No. 1 of its FERC Gas Tariff to be effective as follows:

Revised tariff sheet	Effective date
Substitute Sixth Revised Twenty-seventh, Revised Sheet No. 5.	Jan. 1, 1992.
Substitute Sixth Revised Twenty-second, Revised Sheet No. 6.	Jan. 1, 1992.
Second Substitute Twenty-eighth, Revised Sheet No. 5.	Jan. 1. 1992.
Substitute Twenty-ninth Revised, Sheet No. 5.	Jan. 1. 1992.
Substitute Thirtieth Revised Sheet No. 5.	Feb. 1, 1992.

Midwestern states that it is filing the above referenced tariff sheets to track Tennessee Gas Pipeline Company's (Tennessee) motion rates, filed January 31, 1992 to be effective February 1, 1992 in docket No. RP91-203-000, as directed in the Commission's December 18, 1991 order in Docket No. TQ92-2-5. Midwestern states that the purpose of these revisions is to change the rates on Midwestern's system through the Purchase Gas Adjustment filed originally on November 29, 1991 in Docket No. TQ92-2-5, which tracked, in part, Tennessee's rates in Docket No. RP91-203-000, and subsequent filings with purchase gas adjustments predicated upon Docket No. TQ92-2-5 (specifically Docket Nos. RP91-189, TF92-4-5 and TF92-5-5).

Midwestern states that all copies of the filing have been mailed to all affected customers and state regulatory commissions and is available for public inspection during regular business hours in a convenient form and place at Midwestern's office at 1010 Milam in Houston, Texas.

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 27, 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. 92-4454 Filed 2-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA92-1-9-003 and TM92-2-9-002]

Tennessee Gas Pipeline; Tariff Filing

February 20, 1992.

Take notice that on February 18, 1992, Tennessee Gas Pipeline Company (Tennessee), filed the following tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective February 1, 1992:

Second Revised Sheet Nos. 249-252
Third Revised Sheet No. 253

Tennessee states that the purpose of its revisions is to respond to the Commission's Order of December 26, 1991, in the above-referenced dockets.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions and on all parties shown on the Commission's official service list in this proceeding.

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 27, 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. 92-4455 Filed 2-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-2-82-004]

Viking Gas Transmission Co.; Compliance Filing

February 20, 1992.

Take notice that on February 13, 1992, Viking Gas Transmission Company ("Viking") filed the following tariff sheets and certain additional information in compliance with a Commission order issued on November 7, 1991, in the above-referenced dockets:

Original Volume No. 1

Third Substitute Sixteenth Revised Sheet No. 6

Substitute Alternate Seventeenth Revised Sheet No. 6

Pursuant to the Commission's November 7, 1991 order, Viking was required to correct any errors in its Form No. 542-PGA (Revised) and to file revised tariff sheets if the corrections resulted in a rate change of $.001 per Dth or more. Viking states that a correction to its Form No. 542 has resulted in a $.0223 per Dth increase in its gas rate surcharge. Viking requests that Third Substitute Sixteenth revised Sheet No. 6, which reflects such increase, be made effective as of November 1, the effective date of acceptance of the underlying purchased gas adjustments. Viking requests that Substitute Alternate Seventeenth Revised Sheet No. 6, which reflects the base tariff rate restatement authorized in Docket No. RP92-48-000 adjusted to include the revised surcharge on Third Substitute Sixteenth Revised Sheet No. 6, be made effective as of January 1, 1992.

Viking further states that, in compliance with the November 7, 1991 order, its filing includes the workpapers detailing the corrections to its Form No. 542.

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 27, 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. 92-4456 Filed 2-26-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4106-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 30, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Reporting and Recordkeeping Requirements for the New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants—Subpart OOO (No. 1084.03, OMB No. 2060-0050).

Abstract: This ICR is for an extension of an existing information collection in support of the Clean Air Act, as described under the general NSPS at 40 CFR 60.7-60.8 and the specific NSPS, regulating particulate emissions from nonmetallic mineral processing plants at 40 CFR 60.674-60.676. The information will be used by the EPA to direct monitoring, inspection, and enforcement efforts, thereby ensuring facility compliance with the NSPS.

Owners or operators of all new facilities subject to this NSPS must provide EPA, or a delegated State or local authority, with: (1) Notification of the date of construction or reconstruction, (2) notification of the anticipated and actual dates of the start-up, (3) notification of the date of the initial performance test of the wet scrubber and a copy of the test results (including observations demonstrating compliance), (4) notification of the continuous monitoring system (CMS) demonstration, and (5) notification that CMS data will be used during the initial performance test.

Owners and operators of facilities that were constructed, reconstructed, or modified prior to September 1, 1983 are exempt from this NSPS. Owners or operators of exempted facilities may replace a piece or pieces of equipment with equal or smaller size piece(s) that perform the same function (provided that they do not replace the entire production line) without falling subject to this NSPS. An exemption report, however, must be submitted to the Administrator describing: (1) Size and age of the existing facility, and the size of the new facility, (2) a description of the control device used on the existing facility, and (3) a list of all facilities using that control device.

Owners and operators of all affected facilities must provide EPA, or a delegated State or local authority, with: (1) Reports, semiannually, of instances when scrubber pressure drop and liquid flow rate differ by more than 30% from the rates recorded during the most recent performance test; and (2) any physical or operational change to their facility which may result in an increase in the regulated pollutant emission rate. All facilities must also maintain records on the facility operation that document: (1) The occurrence and duration of any start-ups, shutdowns, and malfunctions; (2) initial performance test conditions, measurements, and results; and (3) daily CMS readings.

Presently there are an estimated 73 subject facilities with an average annual growth of 2 new facilities over the next three years. All subject facilities must maintain records related to compliance for two years.

Burden Statement: Public reporting burden for facilities subject to this collection of information is estimated to average 19 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collection of information. Public recordkeeping burden is estimated to average 94 hours annually.

Respondents: Facilities in fixed or portable nonmetallic mineral processing plants.

Estimated Number of Respondents: 75.

Estimated Number of Responses Per Respondent: Two.

Estimated Total Annual Burden on Respondents: 9,793 hours.

Frequency of Collection: Semiannual reporting for existing facilities, with additional one-time reporting requirements for new facilities. Daily recordkeeping for all facilities.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460, and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503

Dated: Feb. 6, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-4436 Filed 2-26-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4106-5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 30, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Motor Vehicle Exclusion Request (EPA ICR #0012.05; OMB #2060-0124). This ICR requests renewal of the existing clearance.

Abstract: Motor Vehicle manufacturers that request the Environmental Protection Agency to determine whether a particular type of vehicle is excluded from coverage under the Clean Air Act must submit specifications of the vehicle, including its size, use, and top speed.

Burden Statement: The public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and

completing and reviewing the collection of information.

Respondents: Vehicle manufacturers.

Estimated Number of Respondents: 60.

Estimated Total Annual Burden on Respondents: 90 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460, and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530

Dated: February 6, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92–4437 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4106–8]

Prevention of Significant Deterioration of Air Quality (PSD) Old Dominion Electric Cooperative; Clover, VA

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this Notice is to announce that the Administrator of the United States Environmental Protection Agency issued a final decision, pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 and the Procedures for Decisionmaking codified at 40 CFR part 124, regarding Old Dominion Electric Cooperative in Halifax County, Virginia.

EFFECTIVE DATE: The effective date of the Administrator's decision was January 29, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Denis M. Lohman, Chief, New Source Review Section, Air Enforcement Branch, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, Mail Code 3AT22, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, (215) 597–3024.

SUPPLEMENTARY INFORMATION: In a petition dated June 3, 1991, the Southern Environmental Law Center (SELC), Conservation Council of Virginia, Sierra Club, National Parks and Conservation Association, Trout Unlimited, Environmental Defense Fund, Natural Resources Defense Council, The Wilderness Society, Southside Concerned Citizens, and Virginia Wildlife Federation requested review of a PSD permit issued to Old Dominion Electric Cooperative for the construction of a 786 megawatt pulverized coal-fired steam electric generating station in Halifax County, near Clover, Virginia. The proposed facility will be operated by Virginia Electric and Power Company, a 50% co-owner of the facility, on behalf of both Old Dominion Electric Cooperative and Virginia Power. The permit was issued by the Virginia Department of Air Pollution Control (DAPC) on April 29, 1991, pursuant to a delegation of authority from the U.S. Environmental Protection Agency (EPA), Region III, Philadelphia, Pennsylvania. Because of the delegation, any permit issued by the DAPC is an EPA-issued permit for purposes of federal law. 40 CFR 124.41; 45 FR 33413 (May 19, 1980). PSD permits issued by the DAPC are subject to the review provisions of the applicable EPA regulations, 40 CFR 124.19 (1989).

The Administrator issued an Order Denying Review in the above case on January 29, 1992, concluding that review of DAPC's permit determination was not warranted and that it met all necessary requirements of Federal law.

United States Environmental Protection Agency

Anyone wishing to review the final permit, petition, final order, or related materials should contact the following offices:

U.S. Environmental Protection Agency, Region III, Air Enforcement Branch, New Source Review Section (3AT22), 841 Chestnut Building, Philadelphia, Pennsylvania 19107, or

Virginia Department of Air Pollution Control, Room 801, Ninth Street Office Building, Richmond, Virginia 23219.

Pursuant to 40 CFR 124.19(f)(2), for purposes of judicial review, notice is today being published in the **Federal Register** of this final Agency action. If available pursuant to the Consolidated Permit Regulations (40 CFR 124), judicial review of these determinations under section 307(b)(1) of the Clean Air Act (Act) may be sought only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which this determination is published in the **Federal Register**. Under section 307(b)(2) of the Act, this determination shall not be subject to later judicial review in any civil or criminal proceedings for enforcement.

Dated: February 12, 1992.

Edwin B. Erickson,

Regional Administrator.

[FR Doc. 92–4438 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4109–2]

Open Meeting on March 18–19, 1992: Industrial Pollution Prevention Project Focus Group of the Technology Innovation and Economics Committee, National Advisory Council for Environmental Policy and Technology (NACEPT)

Under Public Law 92463 (The Federal Advisory Committee Act), EPA gives notice of a meeting of the Industrial Pollution Prevention Project Focus Group of the Technology Innovation and Economics (TIE) Committee. The TIE Committee is a standing committee of the National Advisory Council for Environmental Policy and Technology (NACEPT), an advisory committee to the Administrator of the EPA. The meeting will convene March 18 and 19 from 8:30 a.m. to 5 p.m. at the Madison Hotel, 1177 15th St., NW., Washington, DC 20005.

The Industrial Pollution Prevention Project Focus Group is examining methods by which pollution prevention can be encouraged, particularly through effluent guidelines. The TIE Committee is investigating the possibility that among the most important barriers to the implementation of pollution prevention concepts and programs are disincentives inadvertently built into standard setting processes, including the effluent guidelines, and into associated permit and compliance programs. The Focus Group, which includes individuals from industry, academia, environmental groups, all levels of government, and other interested parties is developing recommendations for EPA about the incorporation of pollution prevention into EPA's Office of Water effluent guidelines process and about EPA's efforts to spread the pollution prevention ethic.

The Focus Group is an "Ongoing Forum" for the Industrial Pollution Prevention Project (IP3). At the meeting, in addition to holding general discussions, the Group will discuss its comments on IP3 draft products, including:

- Incentives Study
- 301(k) Variance Study
- International Study
- Statute Analysis

The March 18 and 19 meeting will be open to the public. Written comments will be received and reviewed by the

Focus Group. Additional information may be obtained from Jim Lund, EPA (WH–551), 401 M Street, SW., Washington, DC 20460 (202–260–7811); David R. Berg or Morris Altschuler, EPA (A–101–F6), 401 M Street, SW., Washington, DC 20460, (202–260–9153), by written request sent by fax at 202–260–6882, or by mail at the second address.

Dated: February 19, 1992.

Abby J. Pirnie,

NACEPT Designated Federal Official.

[FR Doc. 92–4439 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4109–3]

Open Meeting on March 19, 1992, of the Pollution Prevention Measurements Subcommittee of the Environmental Measurements and Chemical Accident Prevention Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT)

Under Public Law 92463 (The Federal Advisory Committee Act), EPA gives notice of the meeting of the Pollution Prevention Measurements Subcommittee of the Environmental Measurements and Chemical Accident Prevention (EM/CAP) Committee. The EM/CAP Committee is a standing committee of the National Advisory Council for Environmental Policy and Technology (NACEPT), an advisory committee to the Administrator of the EPA. The meeting will convene March 19, from 9 am to 5 pm at the National Governors' Association, Hall of States, 444 North Capitol Street, NW., suite 250, Washington, DC.

The subjects for discussion will be a draft report on the methodology for measuring success in pollution prevention pursuant to section 6604(b)(1) of the Pollution Prevention Act, and draft methodology for evaluating States' waste minimization reductions made as part of the Capacity Assurance Plans submitted pursuant to CERCLA section 104(c)(9). Copies of both will be available at the meeting.

The meeting will be open to the public. Additional information may be obtained from David Graham at (202) 260–9743, or by written request sent by fax (202) 260–6882.

Dated: February 19, 1992.

Abby J. Pirnie,

NACEPT Designated Federal Official.

[FR Doc. 92–4440 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4107–2]

Meeting of the Ozone Transport Commission for the Northeast United States

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing a meeting of the Ozone Transport Commission to be held on March 10, 1992.

This meeting is for the Transport Commission to deal with appropriate matters within the transport region, as provided for under the Clean Air Act Amendments of 1990. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

DATES: The meeting will be held on March 10, 1992.

ADDRESSES: The meeting will be held at: Loews Annapolis Hotel, 126 West Street, Annapolis, Maryland 21401, (410) 263–7777.

FOR FURTHER INFORMATION CONTACT: Bruce Carhart, Executive Director, Ozone Transport Commission, 444 North Capitol Street NW., suite 604, Washington, DC 20001, (202) 508–3840.

FOR PRESS INQUIRIES CONTACT: John Haggerty, New Jersey Department of Environmental Protection and Energy, CN402 Trenton, NJ 08625–0402, (609) 292–2994.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 new provisions for the "Control of Interstate Ozone Air Pollution." Section 184(a) establishes an ozone transport region comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the Commission in New York City on May 7, 1991. The purpose of the Transport Commission is to deal with appropriate matters within the transport region.

The purpose of this notice is to announce that this Commission will meet on March 10, 1992. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of Transport Commissions are not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits. Seating will begin at 8:30 a.m.

TYPE OF MEETING: Open.

AGENDA: The meeting begins at 9 a.m. and is expected to last until 5 p.m. The purpose of the meeting is for the Commission to receive reports from its committees, particularly on enhanced inspection and maintenance, effectiveness of the California Low Emission Vehicle program and reasonably available control technologies for sources of nitrogen oxides.

William J. Muszynski,

Acting Regional Administrator, EPA Region II.

[FR Doc. 92–4442 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4108(b)]

Superior Electro Finishes Site; Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Superior Electro Finishes Site, Winston Salem, North Carolina, with Superior Electro Finishes, Inc. EPA will consider public comments on proposed settlement for thirty (30) days. EPA may withdraw or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Carolyn McCall, Cost Recovery Section, Waste Management Division, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404–347–5059.

Written comments may be submitted to the person above by March 30, 1992.

Dated: January 20, 1992.

James S. Kutzman,

Acting Director, Waste Management Division.

[FR Doc. 92–4443 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL-4109-4]

Management Advisory Group to the Assistant Administrator for Water; Open Meeting

Under section (1)(a)(2) of Public Law 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Assistant Administrator for Water will be held at 8 a.m. on March 9 and at 8:30 a.m. on March 10 and 11, 1992, at the Holiday Inn, Interstate 80, Grand island, Nebraska.

The purpose of this meeting will be to seek the MAG's advice and comments on issues pertaining to water quality and water resource protection. The agenda includes further development of recommendations and minimum technologies for combined sewer overflows, technology transfer for storm water controls, recommendations and environmental education, and strategies to address nonpoint sources nationwide.

At 10 a.m. on March 11, 1992, this MAG meeting will provide a public forum for a special discussion. On January 28, 1992, the President announced a moratorium on Federal regulations for 90 days. During the 90 day moratorium, the President instructed Federal agencies to conduct a review of existing regulations. This review is to ensure that Federal regulations promote economic growth and are as efficient as possible, but consistent with Federal laws. Accordingly, the Assistant Administrator for Water will allocate a portion of the MAG agenda to a discussion of the effects of certain water program regulations on economic growth and opportunities for improved efficiency. The Office of Water is particularly interested in opportunities for trading between point and nonpoint source pollution control strategies and opportunities to improve the stormwater control program. The proposals for discussion should provide meaningful reductions in costs and economic or regulatory burdens, be supported by data or other information, and have no adverse impact on the quality of environmental protection.

The meeting will be open to the public. The MAG encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to ten minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the MAG, by telephone, at (202) 382-5554. The petition should include the topic of the proposed statement and the petitioner's telephone number and should be received before March 6, 1992.

Any person who wishes to file a written statement can do so before or after a MAG meeting. Written statements received prior to the meeting will be distributed to the members before any final discussion or vote is completed. Statements received after a meeting will become part of the permanent meeting file and will be forwarded to the MAG members for their information.

Any member of the public wishing to attend the MAG meeting, present an oral statement, or submit a written statement should contact Ms. Michelle Hiller, Designated Federal Official, U.S. Environmental Protection Agency, Office of the Assistant Administrator for Water, 401 M Street, SW., WH-556, Washington DC 20460 or at (202) 382-5554.

Dated: February 29, 1991.

Martha G. Prothro,

Deputy Assistant Administrator for Water.

[FR Doc. 92-4441 Filed 2-26-92; 8:40 am]

BILLING CODE 6560-50-M

[OPPTS-140174; FRL-4047-7]

Access to Confidential Business Information by Science Applications International Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Science Applications International Corporation (SAIC), of Falls Church, Virginia, for access to information which has been submitted to EPA under section 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than March 12, 1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under contract number 68-C8-0062, contractor SAIC of 7600-A Leesburg Pike, Falls Church, VA will assist the Office of Pollution Prevention and Toxics (OPPT) in assigning document control numbers (DCNs) to incoming TSCA section 8 submissions.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-C8-0062, SAIC will require access to CBI submitted to EPA under section 8 of TSCA to perform successfully the duties specified under the contract. SAIC personnel will be given access to information submitted to EPA under section 8 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under section 8 of TSCA that EPA may provide SAIC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters.

Clearance for access to TSCA CBI under this contract may continue until March 31, 1992.

SAIC personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: February 13, 1992.

George A. Bonina,

Acting Director, Informotion Monogement Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-4444 Filed 2-26-92; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-140173; FRL-4047-4]

Access to Confidential Business Information by Techlaw, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Techlaw, Incorporated (TCH), of Lakewood, Colorado, for access to information which has been submitted to EPA under sections 4, 5, 6, 8, 12, and 13 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than March 12, 1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW.,

Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–WO–0001, contractor TCH of 12600 W. Colfax Ave., suite C310, Lakewood, CO, will assist the Office of Compliance Monitoring (OCM) and the National Enforcement Investigations Center (NEIC) in consolidating Regional and EPA Headquarters evidentiary files resulting from investigations and subpoenas, and in monitoring the provisions of settlement agreements.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–WO–0001, TCH will require access to CBI submitted to EPA under sections 4, 5, 6, 8, 12, and 13 of TSCA to perform successfully the duties specified under the contract. TCH personnel will be given access to information submitted to EPA under sections 4, 5, 6, 8, 12, and 13 of TSCA. Some of the information may be claimed or determined to be CBI.

In a previous notice published in the Federal Register of April 23, 1991 (56 FR 18591), TCH was authorized for access to CBI submitted to EPA under sections 4, 5, 6, 8, 12, and 13 of TSCA. EPA is issuing this notice to extend TCH's access to TSCA CBI under contract number 68–W0–0001.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 8, 12, and 13 of TSCA that EPA may provide TCH access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and TCH's Lakewood, CO facility only.

TCH will be authorized access to TSCA CBI at its facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. Before access to TSCA CBI is authorized at TCH's site, EPA will approve TCH's security certification statement, perform the required inspection of its facility, and ensure that the facility is in compliance with the manual. Upon completing review of the CBI materials, TCH will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1994.

TCH personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: February 13, 1992.

George A. Bonina,

Acting Director, Informotion Monogement Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–4445 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–59299B; FRL–4048–2]

Certain Chemicals; Approval of Modifications to Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of a modification to the test marketing period for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA designated the original test marketing applications as TME–91–19 and TME–91–20. The test marketing conditions are described below.

EFFECTIVE DATES: July 21, 1991 to April 22, 1992.

FOR FURTHER INFORMATION CONTACT: Kathleen Bailey, Program Development Branch, Chemical Control Division (TS–794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–503, 401 M St. SW., Washington, DC 20460, (202) 260–5591.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves the modification of the test marketing period for TME–91–19 and TME–91–20. EPA has determined that test marketing of the pesticide intermediates described below, under the conditions set out in the TME applications and modification requests, and for the modified time periods specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the original Notice of Approval of Test Marketing Application must be met.

TME–91–19 and TME–91–20

Notice of Approval of Original Application: July 8, 1991 (56 FR 30923).

Modified Test Marketing Period: April 22, 1992, representing a 52 day extension from the original expiration date.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: February 11, 1992.

John W. Melone,

Director, Chemicol Control Division, Office of Pollution Prevention ond Toxics.

[FR Doc. 92–4446 Filed 2–26–92; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 91–258; DA 92–167]

Private Land Mobile Radio Services; Ohio Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Chief, Private Radio Bureau and the Chief Engineer released this Order accepting the Public Safety Radio Plan for Ohio (Region 33). As a result of accepting the Plan for Region 33, licensing of the 821–824/866–869 MHz band in that region may begin immediately.

EFFECTIVE DATE: February 13, 1992.

FOR FURTHER INFORMATION CONTACT: Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: February 6, 1992.

Released: February 13, 1992.

In the matter of Ohio Public Safety Plan.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On April 25, 1991, Region 33 (Ohio) submitted its public safety plan to the Commission for review. The plan sets

forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in Ohio. On May 30, 1991, Ohio filed revisions to the plan, based on conversations with the Commission's staff.

2. The Ohio plan was placed on Public Notice for comments on August 30, 1991, 56 FR 46181 (September 10, 1991). The Commission received comments from the Indiana Region 14 Public Safety Planning Committee (Indiana) and reply comments from the Ohio Regional Planning Committee (Ohio).

3. In reviewing Ohio's plan, Indiana located 28 conflicts in Ohio's frequency allocation tables involving areas bordering Indiana. Indiana's concerns were brought to the attention of Ohio and the two regions resolved the frequency allocation conflicts.

4. We have reviewed the plan submitted for Ohio and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87–112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in Ohio.

5. Therefore, we accept the Ohio Public Safety Radio Plan. Furthermore, licensing of the 821–824/866–869 MHz band in Ohio may commence immediately.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 92–4411 Filed 2–26–92; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Port of New Orleans; et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and 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 protests or 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 and protests are found in § 560.6 and/or § 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.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–200622.

Title: Port of New Orleans/Alliance Transport Co., Inc. Terminal Agreement.

Parties:

Port of New Orleans
Alliance Transport Co., Inc. ("Alliance").

Filing Party: Gerald O. Gussoni, Jr., Port General Counsel, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Synopsis: This Agreement, filed February 19, 1992, provides for Alliance's project move of eight metal stamping pressers from New Orleans to Korea.

Dated: February 24, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–4513 Filed 2–26–92; 8:45 am]

BILLING CODE 6730–01–M

[Docket Nos. 92–06 and 92–07]

Western Overseas Trade and Development Corp. v. Asia North America Eastbound Rate Agreement, Allstate Trading Co., et. al. v. Asia North America Eastbound Rate Agreement; Filing and Consolidation of Complaints and Assignment

Notice is given that a complaint filed by Western Overseas Trade and Development Corp. ("Western") against Asia North America Eastbound Rate Agreement ("Respondent") and a complaint filed by Allstate Trading Company; Big Roc Tools, Inc.; Coaster Co. of America; 1st Oriental Food, Inc.; Greenball Corp.; and Hanstai International, Inc. against Asia North America Eastbound Rate Agreement ("Respondent") were served February 21, 1992. The two complaints have been consolidated pursuant to Rule 148, 46 CFR 502.148, because they involved substantially the same issues. Both allege that Respondent engaged in violations of sections 10(b), (6), (10), (11) and (12) of the Shipping Act of 1984 ("Act"), 46 U.S.C. app,. 1709(b), (6), (10), (11) and (12), by entering into invalid service contracts without any meaningful service commitment, by attempting to collect dreadfreight penalties at terms other than those provided for by the applicable service contract, and through its members filing independent action tariffs for rates lower than agreed upon in the service contracts. Western also alleges the latter actions violation section 10(b)(1) of the Act, 46 U.S.C. app. 1709(b)(1).

This proceeding has been assigned to Administrative Law Judge Frederick M. Dolan, Jr. ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by February 22, 1993, and the final decision of the Commission shall be issued by June 22, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 92–4512 Filed 2–26–92; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Kan-Mar Corporation, 9355 W. Okeechobee Rd.—Bay 9, Hialeah Gardens, FL 33016, Officers: Luis Kannee A., President, Isabel Martinez, Vice President/Treasurer.

Gulf International Freight, Inc., 16058 Vickery Dr., suite 130, Houston, TX 77032, Officers: James Edgar Byrd, President/Director, Malcolm Rushworth, Vice Pres./Dir./Chairman,

Candice A. Jacobson, Secretary/Treas./Director.

Tara International, 636 Valle Vista Ave., Vallejo, CA 94590, Officer: Paul M. Tiger, III, President.

Priority One Forwarding, Inc., 3419 Trentwood Blvd., Orlando, FL 32812, Officers: Susan Marla Pomerantz, President, Gregory Scott Carkeet, Vice President, John James Yarwood, Vice President.

Trans Line Corp., 163 East Compton Blvd., Gardena, CA 90248, Officer: Taek Kwan Hwang, President.

Amerpole International, Inc., 220 McClellan Highway, East Boston, MA 02128, Officers: Alfred Landano, President/Chief Exec. Officer, Paul Durkin, Vice President, Anna Landano, Treasurer.

Dated: February 24, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-4511 Filed 2-26-92; 8:45 am]

BILLING CODE 6730-01-M

Organization and Functions of the Federal Maritime Commission

[C.O. 1, Amdt. No. 19]

The following delegation of authority is made to the Director, Bureau of Tariffs, Certification and Licensing, by amending Commission Order 1, section 9, as revised, Specific Authorities Delegated to the Director, Bureau of Tariffs, Certification and Licensing by amending subsection 9.11(b) to read as follows:

(b) approve applications for Certificates (Performance) evidenced by a surety or guaranty issued by an approved entity; and issue, reissue, or amend such Certifications.

Dated: February 20, 1992.

Christopher L. Koch,

Chairman.

[FR Doc. 92-4459 Filed 2-26-92; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0079]

Drug Export; Recombigen® HIV-1/HIV-2 EIA Test Kit

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Cambridge Biotech Corp. has filed an application requesting approval for the export of the biological product Recombigen® HIV-1/HIV-2 EIA Test Kit to Australia, Belgium, Canada, Denmark, Federal Republic of Germany, France, Italy, 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, Rockville, 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 Cambridge Biotech Corp., 365 Plantation St., Worcester, MA 01605, has filed an application requesting approval for the export of the biological product Recombigen® HIV-1/HIV-2 EIA Test Kit to Australia, Belgium, Canada, Denmark, Federal Republic of Germany, France, Italy, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. Recombigen® HIV-1/HIV-2 EIA Test Kit is an invitro qualitative enzyme immunoassay for the detection of antibodies to Human Immunodeficiency Virus Type 1 (HIV-1) and/or Human Immunodeficiency Virus Type 2 (HIV-2) in serum or plasma. It is intended for screening of blood donors or other individuals at unknown risk for HIV-1 or HIV-2 infection and for clinical diagnostic testing. The application was received and filed in the Center for Biologics Evaluation and Research on January 22, 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 9, 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 (section 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 7, 1992.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 92-4426 Filed 2-26-92; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

The Ryan White Comprehensive AIDS Resources Emergency Act of 1990; Early Intervention Services

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Health Resources and Services Administration will hold a pre-application technical assistance meeting for new grants under Title III, Early Intervention Services, of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, Public Law 101-381. Grants under this program will be awarded to eligible ambulatory service entities that have strong primary care programs to increase their capacity and capability to provide a continuum of HIV prevention and care services. Eligible applicants are Community and Migrant Health Centers, Health Care for the Homeless Programs, Comprehensive Hemophilia Diagnostic and Treatment Centers, Family Planning Grantees

(other than State), Federally Qualified Health Centers and Public and Private Not-for-Profit Providers of Comprehensive Primary Care Services.

PURPOSE: The purpose of this meeting is to discuss plans for implementing this program and to provide an overview of the requirements of the program.

Arrangements for attending the meeting can be made with Ms. Jill Newman, MayaTech Corporation, telephone 301 984–4014. Attendees will be responsible for their own expenses.

The meeting will be held on March 30, 1992, at 9:30 a.m., in Atlanta, Georgia, at the Hyatt Regency, 265 Peachtree Street NE., Atlanta, Georgia 30303, telephone 404 577–1234.

Dated: February 21, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–4540 Filed 2–26–92; 8:45 am]

BILLING CODE 4160–15–M

Special Project Grants and Cooperative Agreements; Maternal and Child Health (MCH) Federal Set-Aside Program; Pediatric Acquired Immune Deficiency (AIDS) Demonstration Program; Hemophilia Grant Projects

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of pre-application technical assistance meetings.

SUMMARY: The Health Resources and Services Administration is conducting a two-day pre-application technical assistance meeting concerning fiscal year (FY) 1992 funding available under Public Law 102–170, through two different programs administered by the Maternal and Child Health Bureau (MCHB) to broaden the service capability of existing regional hemophilia diagnostic and treatment centers to meet unmet needs of underserved HIV/AIDS populations and to improve their coordination and integration with other programs serving children and families in the same service area. One group of grants will be awarded under the Pediatric AIDS Health Care Demonstration Grant Program, authorized under Section 301 of the Public Health Service Act, to expand the capacity of hemophilia treatment centers to provide pediatric and family HIV/AIDS services to unserved or underserved HIV/AIDS affected populations. At Congressional direction, eligible applicants for grants under this initiative are limited to existing hemophilia treatment centers. The second group of grants will be awarded under the MCH Federal-Set-Aside Program, authorized under section 502(a) of the Social Security Act, to demonstrate ways in which hemophilia diagnostic and treatment centers can work in which hemophilia diagnostic and treatment centers can work collaboratively with State Title V programs in the development of statewide systems of care required under the MCH Services Block Grant. The hemophilia grants under this initiative will be awarded to public or private entities, including existing hemophilia treatment centers.

PURPOSE: The meeting will provide technical assistance and an overview of the requirements for funding under each program. The program guidance and application process will be discussed.

CONTACT: Anyone interested in attending the meeting should contact Ms. Sharon E. Barrett, M.S., Director, Hemophilia Program, Division of Services for Children with Special Health Needs, room 18A–19, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–9051. Costs of attending are to be borne by prospective applicants.

DATE AND TIME: March 23–24, 1992, 8:30 a.m. to 4 p.m.

PLACE: Clarion Inn at Harrisons, 711 Eastern Avenue, Baltimore, Maryland 21202, telephone (410) 783–5553.

Dated: February 21, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–4539 Filed 2–26–92; 8:45 am]

BILLING CODE 4165–15–M

Rural Health Outreach Grant Program

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Office of Rural Health Policy, Health Resources and Services Administration (HRSA), announces that applications are being accepted for Rural Health Outreach Demonstration Grants to expand or enhance the availability of essential health services in rural areas. Awards will be made from funds appropriated under Public Law 102–170 (HHS Appropriation Act for FY 1992). Grants for these projects are authorized under section 301 of the Public Health Service Act.

NATIONAL HEALTH OBJECTIVES FOR THE YEAR 2000: 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 for setting priority areas. The Rural Health Outreach program is related to the priority areas for health promotion, health protection and preventive services. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–C) or Healthy People (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

FUNDS AVAILABLE: Approximately $21.5 million is available for the Outreach Grant program in FY 1992. Of this amount, approximately $18.5 million is for noncompeting continuances and $3 million will be available to support new one-year outreach grants. With these funds the Office of Rural Health Policy expects to make approximately 15 new awards for one year. The start date for new projects will be September 30, 1992.

Individual grant awards under this notice will be limited to a total amount of $300,000 (direct and indirect costs) per year. Applications for smaller amounts are strongly encouraged. It is expected that the average grant award will be approximately $190,000 for one year. Applicant may propose project periods for up to three years. However applicants are advised that continued funding of grants awarded under this announcement beyond FY 1992 is subject to appropriation of funds.

DATES: Applications for the program must be received by the close of business on May 8, 1992. Applications must be received by the Grants Management Officer at the address shown below.

Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for orderly processing. Applicants must obtain a legible dated receipt from a commercial carrier or the U.S. Postal Service in lieu of a postmark. Private metered postmarks will not be acceptable as proof of timely mailing. Late applications will be returned to the sender.

ADDRESSES: Requests for grant application kits and additional information regarding business or fiscal issues should be directed to: Opal McCarthy, Grants Management Office, Bureau of Health Care Delivery and Assistance, 12100 Parklawn Drive, Rockville, Maryland 20857, (301) 443–5414. The standard application form and general instructions for completing applications (Form PHS–5161–1, OMB

#0937–0189) have been approved by the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information on this announcement should be directed to Glenda Koby, Office of Rural Health Policy, room 14–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–0835.

SUPPLEMENTARY INFORMATION:

Program Objectives

The purpose of the program is to support projects that demonstrate new and innovative models of outreach and health care services delivery in rural areas that lack basic health services. Grants will be awarded either for the direct provision of health services to rural populations, especially for those who are not currently receiving them, or to enhance access to and utilization of existing available services.

Applicants may propose projects to address the needs of a wide range of rural population groups including the poor, the elderly, the disabled, pregnant women, infants, adolescents, rural minority populations, and rural populations with special health care needs. Projects should be responsive to the special cultural and linguistic needs of specific populations. The following areas are of special interest. Applications in these areas are particularly encouraged.

1. Projects to provide ambulatory health and/or mental health or substance abuse services in Health Professions Shortage Areas and in frontier areas.

2. Projects to provide, enhance or revitalize emergency medical services in rural areas.

3. Projects to reduce high rates of infant mortality in rural areas.

4. Projects designed to reduce high rates of suicide and depression among rural adolescents through the provision of mental, social, educational and related services.

5. Projects to enhance the health and safety of farmers, farm families, and migrant and seasonal farm workers through direct services.

A central goal of the demonstration program is to develop new and innovative models for more effective integration and coordination of health services in rural areas. It is hoped that some of these models will prove significant to solving rural health problems in States, regions of the country, or throughout the country. In order to better integrate the provision of health services in rural areas, participation in the program requires the formation of consortium arrangements among three or more separate and distinct entities to carry out the demonstrations. A consortium must be composed of three or more existing health care providers, or a combination of three or more health care and social service providers. Individual members of a consortium might include such entities as hospitals, public health agencies, home health providers, mental health centers, substance abuse service providers, rural health clinics, social service agencies, health profession schools, emergency service providers, community and migrant health centers, etc. Successful applicants must propose strong consortium arrangements where the roles and responsibilities of each member organization are clearly defined, where each member contributes significantly to the goals of the project, and where there is a strong management plan for operating the consortium.

The HRSA is particularly interested in consortia involving primary care providers and public health organizations.

Eligible Applicants

All public and private entities, both nonprofit and for-profit may participate as members of a consortium arrangement as described above. However, a grant award will be made to only one entity in a consortium. The grant recipient must be a nonprofit or public entity which meets one of the three requirements stated below.

(1) The applicant is located outside of a Metropolitan Statistical Area as defined by the Office of Management and Budget. A list of the cities and counties that are designated as being within a Metropolitan Statistical Area will be included with the application kit.

(2) The applicant is located in a rural census tract of one of the counties listed in appendix I to this announcement. Although each of these counties is a Metropolitan Statistical Area, or part of one, large parts of the counties are rural. Organizations located in these rural areas are eligible for the program. Rural portions of these counties have been identified by census tract since this is the only way we have found to clearly differentiate them from urban areas in the large counties. Appendix I provides a list of these census tracts for each county. Appendix II includes the telephone numbers for regional offices of the Census Bureau. Applicants may call these offices to determine the census tract in which they are located.

(3) The applicant is an organization that is constituted exclusively to provide services to migrant and seasonal farmworkers in rural areas and is supported under section 329 of the Public Health Service Act. These organizations are eligible regardless of the urban or rural location of their administrative headquarters.

Applications from organizations that do not meet one of the three requirements described above will not be reviewed.

Review Consideration

Grant applications will be evaluated on the basis of the following criteria:

(1) The extent to which the applicant has proposed a new and innovative approach to health care in the rural area.

(2) The extent to which the applicant has justified and documented the need(s) for the project and developed measurable goals and objectives for meeting the need(s).

(3) The extent to which the applicant has clearly defined the roles and responsibilities for each member of the consortium and developed a workable plan for managing the consortium's activities.

(4) The reasonableness of the budget proposed for the project.

(5) The extent to which the proposed project would be capable of replication in rural areas with similar needs and characteristics.

(6) The level of local commitment and involvement with the project, including the extent of cost participation by the applicant and/or other organizations, and the extent to which the project will contribute to enhancing the local economy.

(7) The feasibility of plans to continue the project after federal grant support is completed.

(8) The strength of the project evaluation plan.

The HRSA hopes to expand the outreach program into geographic areas not currently served by the program. Consequently, HRSA will consider geographic coverage when deciding which approved applications to fund. We do not anticipate supporting services in areas that are currently funded by this program.

Other Information

Grantees will be required to use at least 85 percent of the total amount awarded for outreach and care services as opposed to administrative costs. It is also required that more than 50 percent of the funds awarded be spent in rural areas. Grant funds may not be used for purchase, construction or renovation of real property or to support the delivery of inpatient services.

Applicants are advised that the narrative description of their program and the budget justification may not exceed 40 pages in length. Applications that exceed the 40 page limit for the program narrative and budget justification will not receive consideration. All applications must be typewritten and clearly legible with no less than ½" margin on all sides.

Executive Order 12372

The Rural Health Outreach Grant Program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. Applicants (other than federally-recognized Indian tribal governments) should contact their State Single Point of Contact (SPOCs), a list of which will be included in application kit, as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more then one State, the applicant is advised to contact the SPOC of each affected State. All SPOC recommendations should be submitted to Opal McCarthy, Grants Management Office, Bureau of Health Care Delivery and Assistance, 12100 Parklawn Drive, Rockville, Maryland 20857, (301) 443–5414. The due date for State process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. (See part 148, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements.)

The OMB Catalog of Federal Domestic Assistance number is 93.912.

Dated: December 20, 1991.

Robert G. Harmon,

Administrator.

Appendix I

*Census tract numbers are shown *below* each county name.

State	
County	tract number
Alabama	
Baldwin	*Mobile*
0101	0059
0102	0062
0106	0066
0110	0072.02
0114	
0115	*Tuscaloosa*
0116	0107
Arizona	
Maricopa	5228
0101	7233
0405.02	*Pima*
0507	0044.05
0611	0048
0822.02	0049

California

Butte
0024
0025
0026
0027
0028
0029
0030
0031
0032
0033
0034
0035
0036
El Dorado
0301.01
0301.02
0302
0303
0304.01
0304.02
0305.01
0305.02
0305.03
0306
0310
0311
0312
0313
0314
0315
Fresno
0040
0063
0064.01
0064.03
0065
0066
0067
0068
0071
0072
0073
0074
0077
0078
0079
0080
0081
0082
0083
0084.01
0084.02
Kern
0033.01
0033.02
0034
0035
0036
0037
0040
0041
0042
0043
0044
0045
0046
0047
0048
0049
0050
0051.01
0052
0053
0054
0055.01
0055.02
0056
0057
0058
0059
0060
0061
0063
Los Angeles
5990
5991
9001
9002
9004
9012.02
9100
9101
9108.02
9109
9110
9200.01
9201
9202
9203.03
9301
Monterey
0109
0112
0113
0114.01
0114.02
0115
Placer
0201.01
0201.02
0202
0203
0204
0216
0217
0219
0220
Riverside
0421
0427.02
0427.03
0429
0430
0431
0432
0444
0452.02
0453
0454
0455
0456.01
0456.02
0457.01
0457.02
0458
0459
0460
0461
0462
San Bernardino
0089.01
0089.02
0090.01
0090.02
0091.01
0091.02
0093
0094
0095
0096.01
0096.02
0096.03
0097.01
0097.03
0097.04
0098
0099
0100.01
0100.02
0102.01
0102.02
0103
0104.01
0104.02
0104.03
0105
0106
0107
San Diego
0189.01
0189.02
0190
0191.01
0208
0209.01
0209.02
0210
0212.01
0212.02
0213
San Joaquin
0040
0044
0045
0052.01
0052.02
0053.02
0053.03
0053.04
0054
0055
Santa Barbara
0018
0019.03
Santa Clara
5117.04
5118
5125.01
5127
Shasta
0126
0127
1504
Sonoma
1506.04
1537.01
1541
1542
1543
Stanislaus
0001
0002.01
0032
0033
0034
0035
0036.05
0037
0038
0039.01
0039.02
Tulare
0002
0003
0004
0005
0006
0007
0026
0028
0040
0043
0044
Ventura
0001
0002
0046
0075.01

Colorado

Adams
0084
0085.13
0087.01
El Paso
0038
0039.01
0046
Larimer
0014
0017.02
0019.02
0020.01
0022
Pueblo
0028.04
0032
0034
Weld
0019.02
0020
0024
0025.01
0025.02

Florida

Collier
0111
0112
0113
0114
Dade
0115
Marion
0002
0004
0005
0027
Osceala
0401.01
0401.02
0402.01
0402.02
0403.01
0403.02
0404
0405.01
0405.02
0405.03
0405.05
0406
Polm Beoch
0079.01
0079.02
0080.01
0080.02
0081.01
0081.02
0082.01
0082.02
0082.03
0083.01
0083.02
Polk
0125
0128
0127
0142
0143
0144
0152
0154
0155
0158
0157
0158
0159
0160
0161

Kansas

Butler
0201
0203
0204
0205
0209

Louisiana

Rapides
0106
0135
0136
Terrebonne
0122
0123

Minnesota

St. Louis
0105
0112
0113
0114
0121
0122
0123
0124
0125
0126
0127
0128
0129
0130
0131
0132
0133
0134
0135
0137.01
0137.02
0136
0139
0141
0151
0152
0153
0154
0155
Stearns
0103
0105
0106
0107
0108
0109
0110
0111

Montana

Cascode
0105
Yellawstcne
0015
0016
0019

Nevada

Clark
0057
0058
0059
Washoe
0031.04
0032
0033.01
0033.02
0033.03
0033.04
0034

New Mexico

Dano Ano
0014
0019
Sonta Fe
0101
102
0103.01

New York

Herkimer
0101
0105.02
0107
0108
0109
0110.01
0110.02
0111
0112
0113.01

North Dakota

Burleigh
0114
0115
Grand Forks
0114
0115
0118
0118
Martan
0205

Oklahoma

Osoge
0103
0104
0105
0106
0107
0108

Oregon

Clackamos
0235
0238
0239
0240
0241
0243
Jacksan
0024
0027
Lane
0001
0005
0007.01
0007.02
0008
0013
0014
0015
0018

Pennsylvania

Adoms
0101
0102

South Dakota

Pennington
0116
0117

Texas

Bexor
1720
1621
1918
Brazorio
0606
0609
0610
0611
0612
0613
0614
0615
0616
0617
0618
0619
0620.01
0620.02
0621
0622
0623
0624
0625.01
0625.02
0625.03
0628.01
0628.02
0627
0626
0629
0630
0631
0632
Horris
0354
0544
0546
Hidalga
0223
0224
0225
0226
0227
0228
0230
0231
0243

Washington

Bentan
0118
0117
0118
0119
0120
Franklin
0208
King
0327
0328
0330
0331
Snohomish
0532
0538
0537
0538
Spokone
0101
0102
0103.01
0103.2
0133
0138
0143
Whatcam
0110
Yokima
0018
0019
0020
0021
0022
0023
0024
0025
0026

Wisconsin

Douglcs
0303
Marathan
0017
0016
0020
0021
0022
0023

Wyoming

Laramie
0016
0017
0018

Appendix II

Bureau of the Census Regional Information Service

Atlanta, GA 404–347–2274
Alabama, Florida, Georgia
Boston, MA 617–565–7078
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Upstate New York
Charlotte, NC 704–344–6144
Kentucky, North Carolina, South Carolina, Tennessee, Virginia
Chicago, IL 708–409–4617
Illinois, Indiana, Wisconsin
Dallas, TX 214–767–7105
Louisiana, Mississippi, Texas
Denver, CO 303–969–7750
Arizona, Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Utah, Wyoming
Detroit, MI 313–354–4654
Michigan, Ohio, West Virginia
Kansas City, KS 913–236–3711
Arkansas, Iowa, Kansas, Missouri, New Mexico, Oklahoma
Los Angeles, CA 818–904–6339
California
New York, NY 212–264–4730
Brooklyn, Bronx, Manhattan, Queens, Staten Island, Nassau Co., Orange Co., Suffolk Co., Rockland Co., Westchester Co.
Philadelphia, PA 215–597–8313
Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania
Seattle, WA 206–728–5314
Idaho, Montana, Nevada, Oregon, Washington

[FR Doc. 92–4538 Filed 2–26–92; 8:45 am]
BILLING CODE 4160–15–M

Public Health Service

Reestablishment; Advisory Committee on Scientific Integrity, Public Health Service

Pursuant to the Federal Advisory Committee Act, Public Law 92–463 (5 U.S.C. appendix II), the Office of the Assistant Secretary for Health (OASH) announces the reestablishment by the Secretary, HHS, of the Advisory Committee on Scientific Integrity on February 20, 1992, pursuant, to 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended.

Designation. Advisory Committee on Scientific Integrity.

Purpose. Provides advise to the Secretary of Health and Human Services and the Assistant Secretary for Health on issues that relate to the Department's activities in deterring, investigating, and resolving allegations of misconduct in science.

Unless renewed by appropriate action prior to its expiration, this committee will terminate on February 20, 1995.

Dated: February 20, 1992.

Lyle W. Bivens,

Director, Office of Scientific Integrity Review.

[FR Doc. 92–4502 Filed 2–26–92; 8:45 am]
BILLING CODE 4160–17–M

State Offices of Rural Health Grant Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Office of Rural Health Policy, Health Resources and Services Administration (HRSA), announces that applications are being accepted for matching grants to States for the purpose of improving health care in rural areas through the operation of State Offices of Rural Health. This program is authorized by section 338] of the Public Health Service Act, 42 U.S.C. 254r, as added by Public Law 101–597, and awards will be made from funds appropriated under Public Law 102–170 (HHS Appropriations Act for FY 1992). It is anticipated that approximately $350,000 will be available to support the first year of new grants under this program, and $1.65 million will be available to support continuation of existing grants.[

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 for setting priority areas. The State Offices of Rural Health Program is related to the priority areas as Educational and Community-Based Programs as well as Clinical Preventive Services. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–C) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325. (Telephone (202) 783–3238).

DATES: Application deadline for this program is April 30, 1992. Applications must be received by the Grants Management Officer at the address shown below.

Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be acceptable as proof of timely mailing. Late applications will be returned to the sender.

ADDRESSES: Requests for grant application kits and guidance should be directed to: Grants Management Office (GMO), Bureau of Health Care Delivery and Assistance, HRSA, PHS, U.S. Department of Health and Human Services, 12100 Parklawn U.S. Department of Health and Human Services, 12100 Parklawn Drive, Rockville, Maryland 20857, (Telephone (301) 443–5887). The GMO can also provide information on business management issues.

The standard application form and general instructions for completing applications (Form PHS-5161-1, OMB ¿0937–0189) have been approved by the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to Jerry Coopey, Senior Policy Analyst, Office of

Rural Health Policy, HRSA, PHS, U.S. Department of Health and Human Services, room 14–22, Parklawn, Building, 5600 Fishers Lane, Rockville, Maryland 20857, (Telephone (301) 443–0835).

SUPPLEMENTARY INFORMATION:

Program Objectives

The purpose of the program is to improve health care in rural areas by making matching grants to States to support the operation of State Offices of Rural Health.

These Federal funds are available to all States whether or not they have previously established an office or "focal point" for rural health.

To receive a Federal grant, each State must agree that its Office of Rural Health will carry out at least the following activities: (1) Establish and maintain a clearinghouse for collecting and disseminating information on rural health care issues, research findings, relating to rural health care, and innovative approaches to the delivery of health care in rural areas, (2) coordinate the activities carried out in the State that relate to rural health care, including providing coordination for the purpose of avoiding redundancy in such activities; (3) identify Federal and State programs regarding rural health, and provide technical assistance to public and nonprofit private entities regarding participation in such programs, and (4) submit an annual report regarding its activities. In addition to these required activities, a State Office of Rural Health may use Federal grant funds for activities which support, but do not directly fund, the recruitment and retention of health professionals to serve in rural areas. Consideration will be given to applicants that demonstrate a commitment to this discretionary activity. The Secretary, DHHS, views this as an important program activity which can produce tangible results.

The State (e.g. Department of Health, Governor's Office, State University) can conduct the required and any discretionary activities directly or through grants or contracts to other public or nonprofit private entities (e.g. Private Universities, Area Health Education Centers, Foundations).

States, however, may not use grant funds to (1) provide health care (2) duplicate activities for which Federal funds are being used under the State primary care association, cooperative agreement and State loan repayment programs, (3) purchase medical equipment, vehicles, or real property, or (4) conduct certificate of need activities. In addition, not more than 10% of grant funds may be expended on research.

To encourage States to commit their own resources toward improving rural health care, this program requires a minimum non-Federal match to support the establishment and operation of State Offices of Rural Health. For the first fiscal year of participation, States must match at least $1 for each $3 of Federal funds, $1 for each $1 in the second year; and $3 for each $1 in the third year. In the first year, the State match can be 100% in-kind. In the second year at least 50% must be in cash, and in the third year solely in cash. Rules regarding in-kind and in cash State contributions are found in 45 CFR part 92.

To assure that each State Office of Rural Health has the resources to carry out its minimum responsibilities, a State must make sure that the Office has a total budget of not less than $50,000.

Eligible Applicants

The fifty States.

Review Consideration

Grant applications will be evaluated on the basis of the following criteria:

(1) The extent to which the application is responsive to the requirements and purposes of the program.

(2) The extent to which the applicant has developed measurable goals, objectives, and an evaluation plan for the required, and any discretionary, activities.

(3) The extent to which the Office is coordinated with, and has the cooperation of, other health entities and activities within the State.

(4) The strength of the applicant's plans for administrative and financial management of the Office.

(5) The reasonableness of the budget proposed for the Office.

(6) The likelihood that the Office will be continued after Federal grant support is completed.

Other Award Information

A total of approximately $2 million will be available to support this grant program in its second year. Approximately $1.65 million fund 38 continuation grants in their second year, and $350,000 will be available to fund the first year of new grants. Although difficult to predict, it is expected that approximately 8 grants will be awarded to first year projects. Grant applications should be submitted for a three-year projected period. While support for additional years is contingent upon satisfactory performance and the availability of funds for this program, States should be aware that continued participation will require an increase in their contribution. Only one grant application will be accepted from each State and it must indicate approval by the Governor.

Executive Order 12372

The State Office of Rural Health Grant Program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intra-governmental review of Federal programs, as implemented by 45 CFR part 100. Executive Order 12372 sets up a system for State and local government review of proposed Federal assistance applications. A current list of SPOCs, including their names, addresses, and telephone numbers is included in the application kit. Applicants (other than federally-recognized Indian tribal governments) should contact their State Single Point of Contact (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. All SPOC recommendations should be submitted to Gary Houseknecht, Grant Management Officer, Bureau of the Health Care Delivery and Assistance, 12100 Parklawn Drive, Rockville, Maryland 20857, (301), 443–5902. The due date for State process recommendations is 60 days after the application deadline date for new and existing awards. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. (See part 148, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements.)

The OMB Catalog of Federal Domestic Assistance number is 93.913.

Dated: February 20, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–4427 Filed 2–26–92; 8:45 am]

BILLING CODE 4160–15–M

Meeting of the Advisory Committee on Scientific Integrity

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Advisory Committee on Scientific Integrity, Public Health Service, on Saturday, March 7, and Sunday, March 8, 1992, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place March 7 from 9 a.m. to 4:30 p.m., and on March 8 from 9 a.m. to 4:30 p.m., Building 31, C Wing, Conference Room 6. The meeting will be open to the public.

The charge of the Committee is to review and evaluate, on an ongoing basis, the efficacy of policies and procedures of the Department of Health and Human Services in detecting, deterring, investigating, and resolving allegations of scientific misconduct and to make recommendations to the Secretary and the Assistant Secretary for Health on improving these policies and procedures.

The purpose of the meeting will be to continue discussion of the June 13, 1991 Federal Register Notice (56 FR 27384–94) of the PHS Policies and Procedures for Dealing With Possible Scientific Misconduct in Extramural Research and of means by which the PHS could respond to concerns voiced by the scientific community. Discussion items will include but will not be limited to the definition of scientific misconduct and a working model of the investigation of scientific misconduct. Discussions of the model will include due process protection, hearings and appeals, protection for informants, and the ALERT system.

Henrietta D. Hyatt-Knorr, Executive Secretary, Advisory Committee on Scientific Integrity, Office of Scientific Integrity Review, Rockwall II, suite 1113, 5515 Security Lane, Rockville MD 20852, (301) 443–5300, will furnish the meeting agenda, the Committee charter, and a roster of the Committee members upon request. Members of the public wishing to make presentations should contact the Executive Secretary. Depending on the number of presentations and other considerations, the Executive Secretary will allocate a time frame for each speaker.

Dated: February 20, 1992.

Lyle W. Bivens,

Director, Office of Scientific Integrity Review.

[FR Doc. 92–4503 Filed 2–26–92; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–92–3248; FR 3047–N–02]

Funding Availability for the HUD-Administered Small Cities Community Development Block Grant Program; Fiscal Year 1991 Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department under the HUD-Administered Small Cities Community Development Block Grant (CDBG) Program for Fiscal Year 1991. The announcement contains the names and addresses of the award winners and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: Stanley Gimont, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, room 7184, 451 7th Street, SW., Washington, DC 20410, Telephone (202) 708–1322. The TDD number is (202) 708–2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Title I of the Housing and Community Development Act of 1974, as amended (the HCD Act), authorizes the Community Development Block Grant (CDBG) Program. Section 106 of title I permits States to elect to assume administrative responsibility for the CDBG Program for nonentitled units of general local government within their jurisdictions. Section 106 provides that HUD will administer the CDBG Program for nonentitled areas within a State which does not elect to assume the administrative responsibility for the program.

Hawaii and New York are the only two States which have not elected to assume administrative responsibility for the nonentitled CDBG Program. As such, HUD continues to operate the nonentitlement CDBG Program in these two States in accordance with 24 CFR part 570, subpart F. In Hawaii, HUD distributes funds in Hawaii on a formula basis since there are only three nonentitlement entities. In New York State, HUD conducts an annual competitive in which nonentitled units of general local government may apply for nonentitled CDBG funds allocated to New York State.

Subpart B of 24 CFR part 12 directs HUD to publish in the Federal Register a notice identifying recipients of assistance under 24 CFR part 570, subpart F, the Small Cities Program.

The Fiscal Year 1991 competition in New York State was announced by means of a Notice of Funding Availability (NOFA) published in the Federal Register on May 9, 1991 at 56 FR 21536. The NOFA announced the allocation of the State's nonentitled CDBG funds between the New York Regional Office and the Buffalo Field Office, as well as the amount of funds available for Single Purpose and Comprehensive grants. The NOFA also explained in detail how HUD would apply regulatory threshold requirements for funding eligibility and the selection criteria for rating and scoring applications.

In New York, HUD received applications presenting 230 projects for consideration, and seeking a total of more than $85 million in funding. Awards were made to 103 nonentitled units of general local government throughout the State for 107 separate projects, totalling $38,437,245. In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, the Department is publishing the names, addresses and amounts of those awards as follows:

Nonentitlement CDBG Small Cities Program Recipients

FY 1991—State of Hawaii

For further information regarding these grants, contact:

Ms. Patty Nicholas, Director, Community Planning and Development Division, Department of Housing and Urban Development, 300 Ala Moana Boulevard, room 3318, Honolulu, HI 96850–4991.

1. County of Hawaii, Lorraine R. Inouye, 25 Aupuni Street, Hilo, HI 96720 $1,159,000 Awarded November 22, 1991.

2. County of Kauai, JoAnn A. Yakimura, Lihue, HI 96766 $468,000 Awarded September 25, 1991.

3. County of Maui, Linda Crockett-Lingle, 200 South High Street, Maui, HI 96793 $928,000 Awarded September 30, 1991.

Nonentitlement CDBG Small Cities Program Recipients

FY 1991—State of New York

For further information regarding these grants, contact either:

U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 26 Federal Plaza, New York, NY 10278–0068,

or:

U.S. Department of Housing and Urban Development, Community Planning and Development Division, Lafayette Court, 465 Main St., Buffalo, NY 14203.

These awards were announced between September 10 and September 18, 1991:

Single Purpose Grants—New York Regional Office:

1. Town of Liberty, Beverly O'Hearn-Dill, 120 North Main Street, Liberty, NY 12754 $250,000.

2. Town of Mamakating, Dennis Grewnwald, Town Hall, Wurtsboro, NY 12790 $150,000.

3. Town of Callicoon, Ludwig Grupp, RT. 52, Box 211, Jeffersonville, NY 12748 $250,000.

4. Town of Thompson, David Kaufman, P.O. Box 872, Monticello, NY 12701 $150,000.

5. Sullivan County, David Kaufman, County Goverment Center, Monticello, NY 12701 $300,000.

6. Town of Fallsburg, Darryl Kaplan, Town Hall, South Fallsburg, NY 12779 $250,000.

7. Village of Kiryas Joel, Leopold Lewkowitz, P.O. Box 566, Monroe, NY 10950 $250,000.

8. City of Port Jervis, Richard K. Roberts, Municipal Building, Port Jervis, NY 12771 $250,000.

9. Village of Walden, Charles Frank, 8 Scofield Street, Walden, NY 12586 $250,000.

10. Town of Rockland, Leon L. Siegel, Town Hall, Livingston Manor, NY 12758 $250,000.

11. Town of Shawangunk, Kim W. Corey, P.O. Box 247, Wallkill, NY 12589 $250,000.

12. Town of Shandaken, Marian C. Umhey, P.O. Box 134, Shandaken, NY 12480 $250,000.

13. Town of Bethel, Allan C. Scott, Box 300, White Lake, NY 12786 $250,000.

14. Town of Highland, Andrew Boyar, Route 55, Eldred, NY 12732 $250,000.

15. Village of Woodridge, Richard Elliott, P.O. Box 655, Woodridge, NY 12789 $250,000.

16. Village of New Paltz, Thomas E. Nyquist, P.O. Box 877, New Paltz, NY 12561 $210,878.

Comprehensive Grants—New York Regional Office

1. Town of Wawarsing, Joseph P. Stoeckeler, Jr., 108 Canal Street, Ellenville, NY 12428 $373,367.

2. City of Kingston, John P. Heitzman, 1 Garraghan Drive, Kingston, NY 12401 $400,000.

3. Village of Greenport, William R. Pell, III, Village Hall, 236 Third Street, Greenport, NY 11944 $400,000.

Single Purpose Grants—Buffalo Field Office

1. Village of Albion, Joseph Sacco, 35–37 East Bank Street, Albion, NY 14411 $400,000.

2. City of Amsterdam, Paul M. Parillo, City Hall, Church St., Amsterdam, NY 12010 $400,000.

3. Village of Antwerp, Juan A. Rodriquez, PO Box 620, Antwerp, NY 13608 $400,000.

4. Village of Bainbridge, John L. Hyzer, 33 West Main St., Bainbridge, NY 13733 $400,000.

5. Town of Barre, Jon Peglow, 14317 West Barre Rd., Albion, NY 14411 $400,000.

6. Town of Berkshire, David Alexander, RD #2, Box 272, Berkshire, NY 13736 $400,000.

7. Town of Black Brook, Roger Nelson, Town Offices, Main St., Ausable Forks, NY 12912 $400,000.

8. Village of Brocton, Donald McFadden, Village Hall, 34 West Main St., Brocton, NY 14716 $126,728.

9. Village of Brushton, Carol Herne, PO Box 501, Brushton, NY 12916 $400,000.

10. Town of Canton, Anne M. Ryan, Municipal Building, Main St., Canton, NY 13617 $400,000.

11. Cayuga County, Herbert D. Marshall, County Office Building, 160 Genesee St., Auburn, NY 13021 $33,000.

12. Chenango County, Glenn Angell, 5 Court St., Norwich, NY 13815 $600,000.

13. Town of Clayton, Gordon D. Cerow, 403 Riverside Dr., Clayton, NY 13624 $342,000.

14. Village of Clayton, Joseph Turcotte, PO Box 250, Municipal Building, Clayton, NY 13624 $400,000.

15. Village of Clayville, Linda Turley, Box 274, Foundry Rd., Clayville, NY 13322 $400,000.

16. Village of CLeveland, Malchoff Davis, PO Box A, Cleveland, NY 13042 $159,050.

17. Village of Cobleskill, William C. Wolford, 75 East Main St., PO Box 169, Cobleskill, NY 12043 $400,000.

18. Columbia County, Gerald Simons, 401 State St., Hudson, NY 12534 $587,000.

19. City of Courtland, Martin J. Mack, 25 Court St., Courtland, NY 13045 $400,000.

20. Town of Crown Point, Charles Mazurowski, Town Office, Crown Point, NY 12928 $233,000.

21. Town of Dickinson, Keith J. Marsh, PO Box 101, Dickinson Center, NY 12930 $400,000.

22. Village of Fort Plain, Albert Nalli, Village Hall, 168 Canal St., Fort Plain, NY 13339 $400,000.

23. Town of Friendship, Carl Schneider, 50 West Main St., Friendship, NY 14739 $400,000.

24. City of Fulton, Muriel L. Allerton, 2 Tower Dr., Suite 8, Fulton, NY 13069 $320,000.

25. Town of Georgetown, Janet M. Coye, Town Hall, Georgetown, NY 13072 $400,000.

26. Village of Hermon, R. Bardeschewski, PO Box 29, Hermon, NY 13652 $400,000.

27. Town of Hinsdale, Elizabeth Linderman, RD 1–3609 Rt. 16, Hinsdale, NY 14743 $240,000.

28. Town of Horicon, Jean A. Olson, Town Hall, Brant Lake, NY 12815 $400,000.

29. Village of Hudson Falls, Charles P. Jones, 220 Main St., Hudson Falls, NY 12839 $400,000.

30. City of Hudson, Michael Yusko, Jr., City Hall, Hudson, NY 12534 $400,000.

31. Town of Jay, Paul Savage, Civil Center, Ausable Forks, NY 12912 $400,000.

32. Jefferson County, Wesley E. Eisenhauer, 75 Arsenal St., Watertown, NY 13601 $560,000.

33. Town of Jerusalem, Howard De May, 3816 Italy Hill Dr., PO Box 412, Jerusalem, NY 14418 $400,000.

34. Town of Johnsburg, William H. Thomas, Town Hall, North Creek, NY 12853 $400,000.

35. City of Johnstown, Francis Reed, 33–41 East Main St., Johnston, NY 12095 $400,000.

36. Town of Livonia, Francis Kosakowski, PO Box 43, 35 Commercial St., Livonia, NY 14487 $400,000.

37. Town of Middlesex, Robert Multer, Town Hall, Middlesex, NY, 14507 $400,000.

38. Montgomery County, Vito Dandreano, Annex Building, PO Box 1500, Fonda, NY 12068 $283,500.

39. Town of Moriah, Thomas T. Scozzafava, Park St., Port Henry, NY 12974 $400,000.

40. Town of Murray, James Piedimonte, 3840 Route 31, Holley, NY 14470 $400,000.

41. Village of Newark, S. Crothers Earl, Municipal Building, 100 East Miller St., Newark, NY 14513 $400,000.

42. Town of North Greenbush, Richard Fennelly, PO Box 39, Wynantskill, NY 12198 $395,000.

43. City of North Tonowanda, Elizabeth C. Hoffman, 216 Payne Ave., North Tonowanda, NY 14120 $400,000.

44. Town of Ohio, Harvey Bussey, RD #1 Box 561, Cold Brook, NY 13324 $400,000.

45. Town of Olean, John Mitchell, Town Hall, RD 1, Rte. 16 North, Olean, NY 14760 $400,000.

46. City of Oneida, Army Carinci, 109 North Main St., Oneida, NY 13421 $400,000.

47. City of Oneonta, David W. Brenner, City Hall, 258 Main St., Oneonta, NY 13820 $375,000.

48. Oswego County, Hollis J. Iselin, 46 East Bridge St., Oswego, NY 13126 $185,000.

49. Otsego County, Carl F. Higgins, County Office Building, 197 Main St., Cooperstown, NY 13326 $112,075.

50. Village of Parish, Douglas Clark, South Railroad St., Parish, NY 13131 $258,500.

51. Village of Perrysburg, Leonard E. Fuller, III, PO Box 218, Petersburg, NY 14129 $400,000.

52. Town of Petersburg, Daniel McCumber, PO Box 125, Petersburg, NY 12138 $400,000.

53. Town of of Plattsburgh, Arthur L. Lefevre, RD #1—Box 412, Plattsburgh, NY 12901 $400,000.

54. Village of Port Henry, Richard Gonyeau, 25 South Main St., Port Henry, NY 12974 $393,200.

55. Town of Putnam, John R. LaPointe, Town Hall—Rt. 22, Putnam Station, NY 12861 $400,000.

56. Village of Remsen, C. Harold Spicer, PO Box 335, Remsen, NY 13438 $175,584.

57. Village of Richburg, James L. Childs, Wirt Town Hall, Box 191, Richburg, NY 14774 $400,000.

58. Town of Salisbury, Robert T. Jorrey, Box 241, Salisbury Center, NY 13454 $400,000.

59. Town of of Schulyer Falls, Bernard Barber, PO Box 99, Morrisonville, NY 12962 $400,000.

60. Town of Smyrna, James B. Bays, Town Hall, Smyrna, NY 13464 $400,000.

61. Village of Smyrna, Judi Clippinger, PO Box 25, Smyrna, NY 13464 $400,000.

62. St. Lawrence County, Betty H. Bradley, County Courthouse, Court St., Canton, NY 13617 $200,000.

63. Town of Tioga, Lawrence S. Brink, PO Box 193, Tioga Center, NY 13845 $400,000.

64. Tompkins County, James A. Mason, County Courthouse, 320 North Tioga St., Ithaca, NY 14850 $400,000.

65. Town of Turin, Roger W. Maciejko, PO Box 131, Turin NY 13473 $400,000.

66. Warren County, Richard E. Bolton, Municipal Center, Lake George, NY 12845 $449,580.

67. Town of Warrensburg, Maynard D. Baker, Town Hall, 98 Main St., Warrensburg, NY 12885 $400,000.

68. Washington County, Darryl L. Decker, County Office Building, Upper Broadway, Fort Edward, NY 12828 $336,000.

69. Village of Waterloo, Lee Patchen, 412 West Main St., Waterloo, NY 13165 $83,000.

70. City of Watertown, T. Urling Walker, Municipal Building, 245 Washington St., Watertown, NY 13601 $400,000.

71. Town of White Creek, Darryl Decker, One North Park St., PO Box 205, Cambridge, NY 12816 $400,000.

72. Town of Willsboro, Edna Coonrod, Town Office, Willsboro, NY 12996 $400,000.

Comprehensive Grants—Buffalo

1. City of Ithaca, Benjamin Nichols, 108 East Green St., Ithaca, NY 14850 $600,000.

2. City of Little Falls, Michael D. Izzo, City Hall, 659 Main St., Little Falls, NY 13326 $600,000.

3. City of Oswego, John T. Sullivan, City Hall, Oswego, NY 13126 $600,000.

4. Village of Herkimer, Mary Carol Aiello, Village Hall, 120 Green St., Herkimer, NY 13350 $600,000.

5. Village of Canastota, Joseph Paone, Village Hall, 205 S. Peterboro, Canastota, NY 13032 $600,000.

6. City of Gloversville, John M. Reich, City Hall, Frontage Rd., Gloversville, NY 12078 $493,000.

7. City of Hornell, Shawn Hogan, 108 Broadway, Hornell, NY 14843 $600,000.

8. City of Rensselaer, Joseph E. Harrigan, City Hall, 505 Broadway, Rensselaer, NY 12144 $600,000.

9. Town of Martinsburg, Donald Ingersoll, Route 26, Martinsburg, NY 13404 $600,000.

10. City of Auburn, Michael Oropallo, Memorial City Hall, 24 South St., Auburn, NY 13021 $512,783.

11. City of Saratoga Springs, Almeda C. Dake, City Hall, Saratoga Springs, NY 12866 $600,000.

12. Village of Lake Saranac, Richard V. Depuy, 2 Main St., Saranac Lake, NY 12983 $600,000.

Dated: February 20, 1992.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 92-4422 Filed 2-26-92; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Meeting of the Take Pride in America Advisory Board

AGENCY: Take Pride in America, Office of the Secretary, United States Department of the Interior.

ACTION: Notice of meeting of the Take Pride in America Advisory Board.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. appendix (1988), that a meeting of the Take Pride in America Advisory Board will be held on March 16 and 17, 1992 in the Secretary of the Interior's Conference Room, #5160, 5th Floor of the United States Department of the Interior's Main Building, 1849 C Street, Washington, DC 20240.

The Take Pride in America Advisory Board will convene on Monday, March 16, 1992 at 9 a.m. The morning general business session will meet until 11:30 a.m. The Advisory Board's general business session will reconvene at 1 p.m. and is planned to conclude at 4:30 p.m. of that day.

The Advisory Board will reconvene for the second day of meetings on March 17th at 9 a.m. and will conclude all general business meetings at 11:30 a.m. on that same day. The Advisory Board's two-day meetings will conclude with a field trip activity.

The third official meeting of the Take Pride in America Advisory Board will focus on three main topics: Presentations by officials of the Department of the Interior on the status of Take Pride in America program; Presentation on the Long-Range Marketing Strategy for the Take Pride in America program; and Reports by the Board's four Subcommittee Chairmen. The Advisory Board has the following subcommittees: Long Range Planning; Outreach; Education; and the National Awards Program. Subcommittee reports will include an update of subcommittee activities.

The general business meetings will be open to the public. Space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come, first-serve basis. Anyone may file with the Advisory Board a written statement concerning matters to be discussed.

The Chairman of the Board will allow for public commentary, but may restrict the length of presentations as necessary to allow the Board to complete its agenda within the allotted time.

Persons wishing further information concerning the meeting, or who wish to

submit written statements, may contact Ms. Mary Ann Gomez, Take Pride in America, U.S. Department of the Interior, room 5129, 1849 C Street, NW., Washington, DC 20240, telephone number is (202) 208–3726.

Draft summary minutes of the meeting will be available for public inspection about eight weeks after the meeting, in the Take Pride in America Office, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

Mary Ann Gomez,

Advisory Board Coordinator.

[FR Doc. 92–4460 Filed 2–26–92; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[CO–920–92–4111–15; COC51588]

Proposed Reinstatement of Terminated Oil and Gas Lease; Colorado

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease COC51588, Cheyenne County, Colorado, was timely filed and was accompanied by all required rentals and royalties accruing from July 1, 1991, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16-⅔ percent, respectively. The lessee has paid the required $500 administrative fee for the lease and has reimbursed the Bureau of Land Management for the cost of this Federal Register notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 188 (d) and (e), the Bureau of Land Management is proposing to reinstate the lease effective July 1, 1991, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Joan Gilbert of the Colorado State Office at (303) 239–3783.

Dated: February 19, 1992.

Janet M. Budzilek,

Chief, Fluid Minerals Adjudication Section.

[FR Doc. 92–4500 Filed 2–26–92; 8:45 am]

BILLING CODE 4310–JB–M

[NM–910–02–4143–02]

Redelegation of Authority for Solid Minerals and Geothermal Casework; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Redelegation of authority.

SUMMARY: Pursuant to the authority in Bureau Manual 1203 dated July 17, 1990, the State Director, New Mexico State Office, has redelegated the authority for the entire sodium, potassium, sulfur, and other leasable minerals programs to the District Managers in New Mexico and Oklahoma. This redelegation covers Indian Minerals Operations under 43 CFR 3590. Authority for the entire geothermal leasing function is also redelegated to the Las Cruces District Manager.

EFFECTIVE DATE: October 1, 1991.

ADDRESSES: Comments should be sent to the New Mexico State Director, P.O. Box 271115, Santa Fe, New Mexico 87502–7115.

FOR FURTHER INFORMATION CONTACT: Clarenace F. Hougland, New Mexico State Office, (505) 438–7593.

SUPPLEMENTARY INFORMATION: On October 3, 1991, the State Director, New Mexico State Office, redelegated the entire Solid Minerals Program to all the District Managers in New Mexico and Oklahoma and also redelegated the Geothermal Leasing Program to the Las Cruces District Manager. This redelegation was effective October 1, 1991. All applications, proposed assignments, modifications, terminations, and other requests involving solid minerals and geothermal casework, including requests for information, should be filed with the following District Offices:

Albuquerque District Office, 435 Montano NE., Albuquerque, New Mexico 87107, (505) 758–8851.

Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005, (505) 525–8228.

Roswell District Office, P.O. Box 1397, 1717 W. Second, Roswell, New Mexico 88202–1397, (505) 622–9042.

Tulsa District Office, 9522–H E. 47th Place, Tulsa, Oklahoma 74145, (918) 621–4100.

Dated: February 18, 1992.

Kathy Eaton,

Acting State Director.

[FR Doc. 92–4497 Filed 2–26–92; 8:45 am]

BILLING CODE 4310–FB–M

[AZ–040–4212–13]

Realty Action for the Private Exchange of Lands, Case Number AZA 22643

AGENCY: Bureau of Land Management (BLM), Safford District, AZ., Interior.

ACTION: Notice of realty action for the private exchange of public lands in Greenlee County, Arizona, Case Number AZA 22643.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 5 S., R. 29 E.,
Sec. 36, lots 7 and 8.
T. 5 S., R. 30 E.,
Sec. 31, lots 3, 10, 12.

The land described above comprises 125.49 acres, more or less, in Greenlee County.

In exchange for these lands, the federal government will obtain non-federal lands from Mr. Jeffrey Menges that are described as follows:

Gila and Salt River Meridian, Arizona

T. 5 S., R. 29 E.,
Sec. 33, S½S½.

The land described above comprises 160.00 acres, more or less, in Greenlee County.

The purpose of the exchange is to obtain non-federal lands that are isolated by public lands and adjacent to the Gila Box Riparian National Conservation Area that will effectively and efficiently improve the management of the natural and recreational resources in the area. The exchange is consistent with the Bureau's planning for the lands involved. The public interest will be well-served by making the exchange. The values of the lands to be exchanged are approximately equal and the values will be adjusted or monies will be used to equalize values upon completion of the final appraisal of the lands. The exchange involves both the surface and mineral estates.

Publication of this notice segregates the public lands from the operation of the public land laws, including the mining and mineral leasing laws, for a period of two years from the date of the publication.

The patent for the public land, when issued, shall contain the following reservations:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A perpetual easement for road access to the United States.

The public lands shall also be patented subject to:

1. An existing right-of-way for a 7.2 kv electric distribution powerline granted in perpetuity (AZAR 032889).

2. Any valid existing rights and terms and conditions of authorized uses.

DATES: On or before April 13, 1992, interested parties may submit written comments to the Safford District Manager, 425 E. 4th Street, Safford, AZ 85546. Adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination.

SUPPLEMENTARY INFORMATION: Additional information concerning this application may be obtained from the Safford District Office at the mailing address given above.

Dated: February 20, 1992.

Vernon L. Saline,

Acting District Manager.

[FR Doc. 92-4495 Filed 2-26-92; 8:45 am]

BILLING CODE 4310-32-M

[ID-942-02-4730-12]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., February 19, 1992.

The supplemental plat prepared to correct the distances on the north-half of the north and south center line of section 1, T. 44 N., R. 6 W., Boise Meridian, Idaho, was accepted February 6, 1992.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: February 19, 1992.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 92-4498 Filed 2-26-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-02-4730-12]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., February 19, 1992.

The plat representing the dependent resurvey of portions of the east boundary and subdivisional lines, and the subdivision of section 24, T. 29 N., R. 4 E., Boise Meridian, Idaho, Group No. 804, was accepted, February 5, 1992.

This survey was executed to meet certain administrative needs of the USDA Forest Service, Region 1, Nez Perce National Forest.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: February 19, 1992.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 92-4584 Filed 2-26-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-02-4730-12]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., February 19, 1992.

The plat representing the dependent resurvey of portions of the subdivisional lines and subdivision of section 8, T. 3 N., R. 4 W., Boise Maridian, Idaho, Group No. 814, was accepted, February 11, 1992.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: February 19, 1992.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 92-4585 Filed 2-26-92; 8:45 am]

BILLING CODE 4310-GG-M

[CA-017-4212-10; CACA 16951]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 110.00 acres of public land in Mono County to protect the archaeological, historical and recreational integrity of the historic mining site of Dog Town. This notice closes the lands for up to two years from location and entry under the mining laws. The lands will remain open to mineral leasing.

DATES: Comments and requests for a public meeting must be received by May 27, 1992.

ADDRESSES: Comments and meeting requests should be sent to the Area Manager, BLM Bishop Resource Area, 787 N. Main St., suite P, Bishop, California. 93514.

FOR FURTHER INFORMATION CONTACT: David Lehmann, BLM Bishop Resource Area, 787 N. Main, suite P, Bishop, California 93514; (619) 872-4881.

SUPPLEMENTARY INFORMATION: On November 18, 1991 a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described land from settlement, sale, location or entry under the general land laws, including the mining laws, but not the mineral leasing laws:

Mount Diablo Meridian

T. 4N., R. 25E.,
Sec. 26, W½SE¼SW¼;
Sec. 27, E½SE¼NE¼SE¼,SE¼SE¼;
Sec. 34, N½NE¼NE¼, E½SE¼NE¼NE¼;
Sec. 35. W½NW¼NW¼

The area described contains 110.00 acres in Mono County.

The purpose of the withdrawal is to protect the archeological, historical and recreational integrity of the historic mining site of Dog Town.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Bishop Area Manager of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Bishop Area Manager within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register** the land will be

segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted with the approval of an authorized officer of the Bureau of Land Management during this segregative period are licenses, permits, cooperative agreements, rights-of-way, or other discretionary land-use authorizations of a temporary nature.

Dated: February 20, 1992.

Michael A. Ferguson,

Bishop Area Manager.

[FR Doc. 92-4491 Filed 2-26-92; 8:45 am]

BILLING CODE 4310-40-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting will be held Saturday, March 14, 1992, at the Antietam Post, American Legion Home, Route 34, West, Sharpsburg, Maryland 21782.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairman, Washington, DC.
Mrs. Dorothy Tappe Grotos, Delaplane, Virginia
Mr. Samuel S.D. Marsh, Bethesda, Maryland
Mr. James F. Scarpelli, Sr., Cumberland, Maryland
Ms. Elise B. Heinz, Arlington, Virginia
Captain Thomas F. Hahn, Shepherdstown, West Virginia
Mr. Rockwood H. Foster, Washington, DC.
Mr. Barry A. Passett, Washington, DC.
Mrs. Jo Reynolds, Potomac, Maryland
Ms. Nancy C. Long, Glen Echo, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland
Mrs. Sue Ann Sullivan, Williamsport, Maryland
Mr. Terry W. Hepburn, Hancock, Maryland
Mr. Robert L. Ebert, Cumberland, Maryland

Matters to be discussed at this meeting include:

1. Superintendent's Report
2. Old & New business
3. Public comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Thomas O. Hobbs, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: February 20, 1992.

Richard E. Powers

Acting Regional Director, National Capital Region.

[FR Doc. 92-4519 Filed 2-26-92; 8:45 am]

BILLING CODE 4310-70-M

Trail of Tears National Historic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92-463, that a meeting of the Trail of Tears National Historic Trail Advisory Council will be held April 9-10, 1992, at 8 a.m., at Red Top Mountain State Park, 653 Red Top Mountain Road, SE., Cartersville, Georgia.

The Trail of Tears National Historic Trail Advisory Council was established pursuant to Public Law 100-192 establishing the Trail of Tears National Historic Trail to advise the National Park Service on such issues as preservation of trail routes and features, public use, standards for posting and maintaining trail markers, as well as administrative matters.

The matters to be discussed include:

—Review of Final Draft Comprehensive Management and Use Plan/ Environmental Assessment with Map Supplement.
—Review of Public Input to Planning Process
—Plan Implementation
—Logo Design

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with David Gaines, Trail Administrator.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact David Gaines, Administrator, Trail of Tears National Historic Trail, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, New Mexico, 87504-0728, telephone 505/988-6888. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Administrator, located in room 347, Pinon Building, 1220 South St. Francis Drive, Santa Fe, New Mexico.

Dated: February 18, 1992.

Richard W. Marks,

Deputy Regional Director, Southwest Region.

[FR Doc. 92-4520 Filed 2-26-92; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Notice of Intent To Prepare a New or Supplemental Environmental Impact Statement for Approval of State and Tribal Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Notice of intent to prepare an environmental impact statement, notice of a scoping period, and notice of public meetings.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), the Office of Surface Mining Reclamation and Enforcement (OSM) intends to prepare a new or supplemental environmental impact statement (EIS) for approval of grants which authorize certain construction activities undertaken by States/Tribes using monies from the Abandoned Mine Land Reclamation Fund. These construction activities will be identified by general categories of projects, sharing common, predictable, construction techniques and designs, environmental impacts, and mitigating measures. The EIS will be used to assist OSM in making grant decisions regarding the reclamation of abandoned mine lands (AML). It is intended to facilitate NEPA compliance in the AML grant program.

DATES: *Comment Period:* Written comments regarding the scope of the EIS analysis will be accepted through March 30, 1992 at the location listed below under **"ADDRESSES."**

Public Meetings: Upon request, OSM will hold public scoping meetings in Pittsburgh, PA on March 19, 1992, and in Denver, CO on March 23, 1992. Both

meetings will begin at 1:00 pm local time. OSM will accept requests for public scoping meetings until 4:00 pm Eastern Time on March 16, 1992. Persons wishing to attend should contact the person identified under "FOR FURTHER INFORMATION CONTACT" beforehand to verify that the meeting will be held.

ADDRESSES: *Written Comments*: Written comments regarding the scope of the EIS analysis should be mailed or hand delivered to David S. Hamilton, Chief, Operations Branch, Office of Surface Mining, Third Floor, Suite 3C, Harrisburg Transportation Center, 4th and Market Streets, Harrisburg, PA 17101.

Public Scoping Meetings: Public scoping meetings will be held at the following locations only if requested. Office of Surface Mining, Eastern Support Center, second floor conference room, Ten Parkway Center, Pittsburgh, PA 15220; Office of Surface Mining, Western Support Center, second floor conference room, Brooks Towers, 1020 15th Street, Denver, CO 80202.

Requests For Public Scoping Meetings: Submit orally or in writing to the person and address specified under "FOR FURTHER INFORMATION CONTACT".

FOR FURTHER INFORMATION CONTACT: David S. Hamilton, Office of Surface Mining, Third Floor, Suite 3C, Harrisburg Transportation Center, 4th and Market Streets, Harrisburg, PA 17101; telephone: 717–782–4036.

SUPPLEMENTARY INFORMATION: The Office of Surface Mining Reclamation and Enforcement administers Public Law 95–87, the Surface Mining Control and Reclamation Act of 1977 (The Act). The Act authorizes OSM to collect a tonnage fee from the mining of coal which is placed in the Abandoned Mine Land Reclamation Fund (Fund). States and Tribes with approved coal mining regulatory programs and abandoned mine reclamation plans receive yearly grants from the Fund to reclaim abandoned mined lands. Since 1981, OSM has been regularly awarding grants to 26 States/Tribes for administration of AML reclamation programs. Through Fiscal Year 1991, approximately 1.2 billion dollars have been awarded from the Fund for reclamation of thousands of acres of eligible abandoned lands and waters.

AML problems are exhibited in several board categories including highwalls, surface and underground burning of coal and coal refuse, surface subsidence, open shafts and portals, sediment clogged streams, landslides, embankments, structures, impoundments, mine discharges, and barren or poorly vegetated lands. AML sites present public health and safety and environmental hazards. In order to facilitate compliance with the requirements of the National Environmental Policy Act (NEPA) in the AML program, OSM prepared OSM–EIS–2 in March of 1980 and OSM–EIS–11 in November of 1983. These environmental impact statements address the AML programmatic aspects of the Act and the impacts of the reclamation proposed in the grant request. However, the preparation of site specific environmental assessments has still been required with each grant approval.

Review of hundreds of AML grant projects on State and Tribal lands across the country has led OSM to conclude that many projects, grouped into the general types discussed above, have virtually the same reclamation descriptions, reclamation design techniques, environmental impacts, and mitigating measures. These projects are implemented consistent with State or Federal Laws, and generally have only local, negligible to moderate short term impacts which are effectively mitigated through standard construction practices.

With the background information now available from the site specific environmental assessment programmatic EIS or supplement to EIS–11 can be prepared which will describe the site conditions, impacts, and mitigating measures of AML project types. This would enable the preparation of environmental assessments in support of grant approvals without requiring a site specific analysis of each project within the grant.

OSM will hold public scoping meetings on the proposed EIS action on request only. The dates and addresses scheduled for the hearings at two locations are specified previously in this notice (see "DATES" and "ADDRESSES").

Any person interested in participating at a meeting at particular location should inform Mr. Hamilton (see "FOR FURTHER INFORMATION CONTACT") either orally or in writing of the desired meeting location by 4 pm Eastern time on March 16, 1992. If no one has contacted Mr. Hamilton to express interest in participating in a meeting at a given location by that date, the meeting will not be held. If only one person expressed an interest, an acceptable alternate meeting arrangement may be made.

OSM is requesting that any interested party submit written comment, and/or attend the public meeting to submit oral statements regarding the scope of the EIS analysis.

Dated: February 21, 1992

Brent Wahlquist,

Assistant Director, Reclamation and Regulatory Policy

[FR Doc. 92–4487 Filed 2–26–92; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–336]

Certain Single In-line Memory Modules and Products Containing Same; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and provisional acceptance of motion for temporary relief.

SUMMARY: Notice is hereby given that a complaint and a motion for temporary relief were filed with the U.S. International Trade Commission on January 17, 1992, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Wang Laboratories, Inc., One Industrial Avenue, Lowell, Massachusetts 01851. Four letters containing revisions to the complaint and motion and containing additional information were filed on January 17, January 21, January 31, and February 18, 1992. A supplement to the complaint was filed on February 11, 1992.

The complaint, as supplemented, alleges violations of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain single in-line memory modules and products containing same by reason of alleged infringement of claim 1 of U.S. Letters Patent 4,656,605 and claim 1 of U.S. Letters Patent 4,727,513, and that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337. The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent general exclusion order and permanent cease and desist orders.

The motion for temporary relief requests that the Commission issue a temporary general exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after importation of single in-line memory modules which infringe claim 1 of U.S. Letters Patent 4,727,513 and proposed respondents' products containing same

during the course of the Commission's investigation.

ADDRESSES: The complaint and the motion for temporary relief, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., room 112, Washington, DC 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Steven A. Glazer, Esq., telephone 202–205–2577, or Kent Stevens, Esq., telephone 202–205–2579, Office of Unfair Import Investigations, U.S. International Trade Commission.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12. The authority for provisional acceptance of the motion for temporary relief is contained in § 210.24(e) of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.24(e).

Scope of Investigation

Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on February 20, 1992, *Ordered* That—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain single in-line memory modules or products containing same by reason of infringement of claim 1 of U.S. Letters Patent 4,656,605 or claim 1 of U.S. Letters Patent 4,727,513, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

(2) Pursuant to Rule 210.24(e)(8) of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.24(e)(8), the motion for temporary relief under subsection (e) of section 337, which was filed with the complaint, be provisionally accepted and be referred to an administrative law judge.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Wang Laboratories, Inc., One Industrial Avenue, Lowell, Massachusetts 01851.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:

Fujitsu Ltd., 6–1, Marunouchi 1–chome, Chiyoda-ku, Tokyo 100, Japan.

Fujitsu Microelectronics, Inc., 3545 North First Street, San Jose, California 95134–1804.

Hitachi Ltd., 5–1, Marunouchi 1–chome, Chiyoda-ku, Tokyo 100, Japan.

Hitachi America, Ltd., 50 Prospect Avenue, Tarrytown, New York 10391.

Intel Corporation, 3065 Bowers Avenue, Santa Clara, California 95101.

Matsushita Electric Industrial Co., Ltd., 1006 Kadoma, Osaka, Japan.

Matsushita Electric Corporation of America, One Panasonic Way, Secaucus, New Jersey 07094.

Mitsubishi Electric Corporation, 2–2–3 Marunouchi, Chiyora-Ku, Tokyo 100, Japan.

Mitsubishi Electronics America, Inc., 5665 Plaza Drive, Cypress, California 90630.

NMB Semiconductor Co., Ltd., 1580 Yamamoto, Tateyama-shi, Chica 294, Japan.

NMB Technologies, Inc., 9730 Independence Avenue, Chatsworth, California 91311.

Oki Electric Industry Co., Ltd., Shuwa No. 2 Kamiya-cho Bldg., 7–12 Toranomon 1–chome, Minato-ku, Tokyo 105, Japan.

Oki America, Inc., Three University Plaza, Hackensack, New Jersey 07601.

(c) Steven A. Glazer, Esq., and Kent Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., suite 401, Washington, DC 20436, who shall be the Commission investigative attorneys, party to this investigation; and

(4) For the investigation and temporary relief proceedings so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses to the complaint, the motion for temporary relief and the notice of investigation must be submitted by the named respondents in accordance with §§ 210.21 and 210.24 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.21, 210.24. Pursuant to §§ 201.16(d), 210.21(a), and 210.24(e)(9) of the Commission's Rules, 19 CFR 201.16(d), 210.21(a), 210.24(e)(9), such responses will be considered by the Commission if received not later than ten (10) days after the date of service by the Commission of the complaint, the motion for temporary relief, and the notice of investigation. Extensions of time for submitting responses to the complaint, the motion for temporary relief, and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, in the motion for temporary relief, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, the motion for temporary relief, and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, motion for temporary relief, and this notice, and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: February 20, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–4428 Filed 2–26–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32012]

Lake State Railway Co.—Lease and Operation Exemption—Detroit and Mackinac Railway Co.

Lake State Railway Company (Lake State) has filed a verified notice to exempt its lease (or acceptance of assignment of operating rights) and operation of about 275 miles of rail line owned by Detroit and Mackinac Railway Company (D&M) between Kawkawlin and Gaylord, MI, and between Pinconning and Rogers City, MI. The exemption became effective February 18, 1992, 7 days after the verified notice was filed.[1]

The lines being leased include: The Pinconning Subdivision, between mileposts 5.0± and 11; the Mackinac Subdivision, between milepost 116 and the end of the line at milepost 122; and the Huron Subdivision, between mileposts 16± and 151.25, including the

[1] According to the verified notice, the transaction was to have been consummated "on or about" February 17, 1992. Consummation may not occur, however, before the exemption's effective date. 49 CFR 1150.32(b).

Pinconning crossover, the Rogers City Branch (between mileposts 0.0 and 11), the Hillman Branch, and the Alabaster Branch. As part of the transaction, D&M is assigning its agreement with the Michigan Department of Transportation for operating rights on the Mackinac Subdivision (division III), between mileposts 11 and 116 (Sallings).

This transaction is related to a verified notice filed concurrently in Finance Docket No. 32018, Lake State Railway Company—Trackage Rights Exemption—Central Michigan Railway Company, to exempt Central Michigan Railway Company's grant of overhead trackage rights to Lake State between milepost 1.6, at Bay City, MI, and milepost 57.6, at Kawkawlin.

Any comments must be filed with the Commission and served on: Phillip B. Maxwell, Hackett & Maxwell, P.C., 35 W. Huron St., suite 902, Pontiac, MI 48342.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: February 21, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-4482 Filed 2-26-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32018]

Lake State Railway Co.—Trackage Rights Exemption—Central Michigan Railway Co.

Central Michigan Railway Company (CMR) has agreed to grant overhead trackage rights to Lake State Railway Company (Lake State) between milepost 1.6, at Bay City, MI, and milepost 57.6, at Kawkawlin, MI. Lake State will use the line to bridge unconnected segments of its line and to interchange with CMR at CMR's Wenona Yard and with CSX Transportation, Inc., at the North Bay City Yard, which Lake State operates. The exemption became effective February 18, 1992, 7 days after the verified notice was filed.[1]

This transaction is related to a verified notice filed concurrently in Finance Docket No. 32012, Lake State Railway Company—Lease and Operation Exemption—Detroit and Mackinac Railway Company, to exempt Lake State's lease and operation of about 275 miles of Detroit and Mackinac Railway Company line between Kawkawlin and Gaylord, MI, and between Pinconning and Rogers City, MI.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Phillip B. Maxwell, Hackett & Maxwell, P.C., 35 W. Huron, suite 902, Pontiac, MI 48342.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under Norfolk and Western Ry. Co—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: February 21, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-4483 Filed 2-26-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-174 (Sub-No. 3X)]

The Central Vermont Railway, Inc.—Abandonment Exemption—in Franklin County, VT

Applicant has filed a notice of exemption under 49 CFR 1151 subpart F—Exempt Abandonment to abandon its 17.4-mile line of railroad, as redescribed [1], between milepost 10.0, at Sheldon Junction, and milepost 27.4, at Richford, in Franklin County, VT.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on March 28, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 9, 1992.[4] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 18, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles A. Spitulnik, 888 16th Street, NW., suite 700, Washington, DC 20006.

If the notice of exemption contains tales or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 3, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219), Interstate Commerce Commission,

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[1] According to the verified notice, the transaction was to have been consummated on or before February 17, 1992. Consummation may not occur, however, before the exemption's effective date. To qualify for the class exemption at 49 CFR 1180.2(d)(7), a railroad must file a verified notice of the transaction at least 1 week before the transaction is consummated. 49 CFR 1180.4(g)(1).

[1] Applicant in its verified notice describes the line to be abandoned as "between mileposts 9.96 and 27.4". We have redescribed the line because the Commission already has exempted a small portion (between mileposts 0.6 and 10.0) of the line in a prior decision. *See* Docket No. AB-174 (Sub-No. 2X) the Central Vermont Railway, Inc.—Abandonment Exemption—In Franklin County, VT, served February 6, 1990.

[2] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[3] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[4] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927–6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 20, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–4481 Filed 2–26–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Massachusetts Allergy Society, Inc.; et al.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that an Amended Competitive Impact Statement has been filed with the United States District Court for the District of Massachusetts, in *United States of America* v. *Massachusetts Allergy Society, Inc., et al.*, Civil No. 92–10273H.

The Complaint in this case alleges that defendants unreasonably restrained trade in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, by conspiring to fix and raise the fees paid for allergy services by certain health maintenance organizations ("HMOs") in Massachusetts. The Complaint alleges that defendants and their co-conspirators combined and conspired to, among other things, agree to have the Massachusetts Allergy Society, Inc. ("MAS") act as their joint negotiating agent to obtain higher fees from certain HMOs for allergy services and to resist competitive pressures to discount fees, and also to develop and adopt a fee schedule to be used by MAS in negotiating higher fees on their behalf from certain HMOs.

The proposed Final Judgment prohibits MAS from entering into, negotiating, or attempting to enter into any agreement or understanding concerning any fee regarding any allergy or allergy-related service, either on its own behalf or as a representative of any physician, with any third-party payer; and also enjoins MAS from advocating or recommending that any physician withdraw from or refuse to enter into an agreement with any third-party payer. The proposed Final Judgment also provides that the Court may impose a civil fine upon MAS for violating these prohibitions without any showing of willfulness or intent and requires MAS to institute a stringent antitrust compliance program.

The consenting individual physician defendants are similarly enjoined from discussing with or submitting to any third-party payer any fee regarding any allergy or allergy-related service on behalf of MAS or, except in very limited circumstances, as an agent for any other physician, and must submit annual written certifications regarding compliance with the Final Judgment.

Public comment on the proposed Final Judgment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Robert E. Bloch, Chief, Professions and Intellectual Property Section, U.S. Department of Justice, Antitrust Division, 555 4th Street, NW., room 9903, Judiciary Center Building, Washington, DC 20001 (202/307–0467).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Amended Competitive Impact Statement

United States of America, Plaintiff, v. *Massachusetts Allergy Society, Inc.; Wilfred N. Beaucher; Jack E. Farnham; Bernard A. Berman; and Irving W. Bailit*, Defendants. Civil Action No.: 92–10273H; Judge Harrington.

Filed: 2/18/92.

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

On February 3, 1992, the United States filed a civil antitrust Complaint alleging that the defendants named above and their co-conspirators conspired unreasonably to fix and raise the fees paid for allergy services by certain health maintenance organizations ("HMOs") in Massachusetts in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The Complaint alleges that, beginning at least as early as October 1984 and continuing at least until the date of the Complaint, defendants and their co-conspirators violated Section 1 of the Sherman Act, 15 U.S.C. 1, by agreeing to have defendant Massachusetts Allergy Society, Inc. ("MAS") act as their joint negotiating agent to obtain higher fees from certain HMOs for allergy services and to resist competitive pressures to discount fees, and to develop and adopt a fee schedule to be used by defendant MAS in negotiating higher fees on their behalf from certain HMOs. According to the Complaint, the effects of the conspiracy have been to unreasonably restrain price competition among defendants for the sale of their services to certain HMOs in Massachusetts, to artificially increase fees for allergy services provided to members of certain HMOs in Massachusetts, and to deprive certain HMOs in Massachusetts of the benefit of free and open competition in the sale of allergy services.

The relief sought in the Complaint is to enjoin defendants for a period of 10 years from continuing or renewing the conspiracy or from engaging in any other conspiracy or arrangement having a similar purpose or effect. The Complaint also seeks to require MAS to institute a compliance program to ensure that MAS does not enter into or participate in any plan, program or other arrangement having the purpose or effect of continuing or renewing the conspiracy.

Entry of the proposed Final Judgment will terminate the action with respect to the consenting defendants, except that the Court will retain jurisdiction over the matter for further proceedings which may be required to interpret, enforce or modify the Judgment, or to punish violations of any of its provisions.

II. Description of the Practices Involved in the Alleged Violation

At trial, the Government would have contended the following:

1. An HMO is an entity that, for a set premium, provides comprehensive health care services to its members through designated providers who contract with the HMO.

2. In 1988, approximately 20 HMOs provided health care services to approximately 1.3 million people in Massachusetts.

3. HMOs in Massachusetts often provide allergy services to their members by contracting with independent, private practice physicians who specialize in the treatment of allergies ("allergists"). HMOs typically pay these allergists according to fee schedules set by the HMO. These fee schedules frequently represent a discount from the physicians' usual charges.

4. MAS was founded in 1977 and is not a not-for-profit membership corporation organized and existing under the laws of the Commonwealth of Massachusetts. MAS is a professional association of about 55 allergists. Most of the allergists practicing in Massachusetts are members of MAS

and compete with each other for both private-pay patients and the opportunity to provide service to HMO members.

5. Wilfred N. Beaucher, M.D. ("Beaucher") is an allergist licensed to practice medicine in Massachusetts and is in private practice. Beaucher since October 1984 has been the official MAS representative to negotiate fees with HMOs and served as Chairman of the MAS HMO Liaison Committee from its inception in September 1986.

6. Jack E. Farnham, M.D. ("Farnham") is an allergist licensed to practice medicine in Massachusetts and is in private practice. Farnham was Secretary-Treasurer of MAS from June 1984 to June 1986 and President of MAS from June 1986 to June 1988. Farnham served as an ex-officio member of the MAS HMO Liaison Committee from September 1986 until at least June 1988.

7. Bernard A. Berman, M.D. ("Berman") is an allergist licensed to practice medicine in Massachusetts and is in private practice. Berman is a founder of MAS and served as a member of the MAS HMO Liaison Committee from its inception in September 1986.

8. Irving W. Bailit, M.D. ("Bailit") is an allergist and is licensed to practice medicine in Massachusetts. Bailit is a former president of MAS and served as a member of the MAS HMO Liaison Committee from its inception in September 1986.

9. Defendants Beaucher, Farnham, Berman, and Bailit each provide allergy services to members of one or more HMOs in Massachusetts.

10. Beginning at least as early as October 1984, defendants and some other MAS members agreed to use MAS as a joint negotiating agent to obtain higher fees from certain HMOs for allergy services and resist competitive pressures to discount fees.

11. On or about October 2, 1984, Beaucher was appointed as the official representative of MAS to negotiate higher fees from HMOs for allergy services on behalf of the individual defendants and other MAS members, and on subsequent dates Beaucher's appointment was reconfirmed.

12. On or about September 16, 1986, the MAS HMO Liaison Committee was created and Berman, Bailit and another allergist were appointed to that Committee to assist Beaucher in negotiating higher fees from certain HMOs for allergy services.

13. On or before December 3, 1986, Defendants and some other MAS members agreed to develop and use a fee schedule in negotiating higher fees from certain HMOs for allergy services and agreed that MAS members would take a uniform position on the prices to be sought from these HMOs.

14. On or about December 31, 1986, MAS submitted a fee schedule to an HMO on behalf of MAS for the purpose of negotiating higher fees for allergy services from that HMO for the individual defendants and other MAS members.

15. On or about May 29, 1987, Beaucher submitted a revised fee schedule to the same HMO on behalf of MAS and pressured the HMO to raise its allergy fees to the level specified in the schedule.

16. On or before August 6, 1987, MAS agreed with that HMO on the fees to be paid by the HMO for allergy services.

17. On or about August 19, 1987, Berman submitted a fee schedule, on behalf of MAS; to another HMO for the purpose of negotiating higher fees for allergy services from that HMO.

III. Explanation of the Proposed Final Judgment

The United States and defendants have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h). The proposed Final Judgment provides that its entry does not constitute any evidence against or admission by either party with respect to any issue of fact or law.

Under the provisions of section 2(e), the proposed Final Judgment may not be entered unless the Court finds that entry is in the public interest. Section XVIII of the proposed Final Judgment sets forth such a finding.

The proposed Final Judgment is intended to ensure that defendant MAS does not act for and is not used by allergists as a joint negotiating agent on fees with any HMO.

A. Prohibitions and Obligations

Under Section IV(A) of the proposed Final Judgment, MAS is enjoined from entering into, negotiating, or attempting to enter into any agreement or understanding concerning any fee, either on its own behalf or as a representative of any physician, with any third party payer. "Fee" is defined in Section II of the Final Judgment as "any proposed, suggested, recommended, or actual charge, capitation rate, reimbursement rate, relative value conversion factor, relative value unit, or price term or condition for any allergy or allergy-related service or any methodology for determining or computing any of the foregoing." "Third party payer" is defined in Section II of the Final Judgment as "any person or entity that reimburses for, purchases, or pays for health care services provided to any other person and includes, but is not limited to, health maintenance organizations, preferred provider organizations, health insurance companies, prepaid hospital, medical, or other health service plans such as Blue Shield and Blue Cross plans, government health benefits programs, administrators of self-insured health benefits programs, and employers or other entities providing self-insured health benefits programs."

Section IV(B) enjoins MAS from providing recommendations to any physician on the desirability or appropriateness of any fee paid or to be paid by any third party payer. Section IV(B) states, however, that (1) nothing in Section IV(B) prohibits MAS from engaging in the conduct permitted by Section IV(C), and (2) nothing in the Final Judgment prohibits MAS when requested by a third party payer or patient from participating in peer review of fees charged by individual physicians in individual cases. "Peer review" is defined in Section II of the Final Judgment as "an examination of a physician's charges in a particular case and an assessment of whether those charges were excessive."

Section IV(C) enjoins MAS from developing, adopting or distributing any fee schedule or relative value scale for any use with any third party payer, including use in negotiating or attempting to enter into an agreement or understanding with a third party payer, with one exception. Under the Final Judgment, MAS may suggest or provide a fee schedule or relative value scale to a third party payer solely for informational purposes if (a) the third party payer initiates in writing a specific request to MAS for that information, and (b) MAS, at the time of transmitting the fee schedule or relative value scale to the third party payer, expressly states in writing that the payer is not required to accept or adopt the fee schedule or relative value scale. "Fee schedule" is defined in Section II of the Final Judgment a "any list of physician services showing a fee, range of fees, or methodology for determining or computing fees for such services." "Relative value scale" is defined in Section II of the Final Judgment as "any list or compilation of medical services or procedures that sets comparative values for such procedures or services whether or not those values are expressed in or convertible to monetary terms." Section IV(C) further states that nothing in the Final Judgment prohibits MAS from considering or developing any other type of fee information for use by a third

party payer, or from actually suggesting or providing such fee information to a third party payer provided MAS, at the time of the transmission, expressly states that the payer is not required to accept or adopt the information.

Under Section IV(D), MAS is enjoined from advocating or recommending that any physician withdraw from or refuse to enter into, or threaten to withdraw from or refuse to enter into, any actual or proposed agreement with any third party payer. MAS is also prohibited under Section IV(E) from communicating to any third party payer that any physician will or may withdraw from or refuse to enter into any actual or proposed agreement with any third party payer if any term or condition is not acceptable to MAS or to any physician.

Under Section V, each individual defendant is enjoined, except as provided in Section VI, from (1) discussing any fee with or submitting any fee to any third party payer on behalf of MAS or as an agent for any other physician; (2) agreeing or attempting to agree with MAS or any other physician on any fee; and (3) agreeing or attempting to agree with MAS or any other physician to withdraw from or refuse to enter into, or threaten to withdraw from or refuse to enter into, any actual or proposed agreement with any third party payer.

Section VI provides that nothing in the Final Judgment prohibits an individual defendant from continuing to be or becoming a member or employee of partnership, professional corporation, or other bona fide group practice, or, on behalf of any such entity, from negotiating any fee or withdrawing from or refusing to enter into or stating an intention to withdraw from or refuse to enter into any actual or proposed agreement with any third party payer. Section VI also provides that nothing in the Final Judgment prohibits an individual defendant from continuing to be or becoming a member of an integrated joint venture before or after the entry of the Final Judgment so long as the integrated joint venture in no way discourages or prohibits any participating physician from negotiating or contracting independently with any third party payer. "Integrated joint venture" is defined in Section II of the Final Judgment as "a joint arrangement to provide prepaid health care services in which physicians who would otherwise be competitors pool their capital to finance the venture, by themselves or together with others, and share substantial risk of adverse financial results caused by unexpectedly high utilization or costs of health care services." Under Section VI, an individual defendant must promptly inform plaintiff of the name and address of any integrated joint venture he joins after the entry of this Final Judgment.

Section VII provides that nothing in the Final Judgment prohibits any defendant acting either alone or with others from exercising rights permitted under the First Amendment to the United States Constitution to petition any federal or state government executive agency, legislative body or other governmental agency concerning legislation, rules, or procedures, or to participate in any federal or state administrative or judicial proceeding.

Section VIII provides that each individual defendant is enjoined from holding any office in MAS for the next five years or serving on any committee of MAS that provides any information on fees to third party payers.

Section IX requires MAS to maintain an antitrust compliance program. Section IX provides that this program at a minimum shall include (1) establishing, adopting, and maintaining a written statement setting forth the policy of MAS regarding compliance with the antitrust laws and this Final Judgment; (2) distributing by certified mail, return receipt requested, within 60 days from the entry of this Final Judgment, a copy of this policy statement and the Final Judgment, Complaint, and Competitive Impact Statement in this matter to each member of MAS; (3) providing a copy of the policy statement and the Final Judgment, Complaint, and Competitive Impact Statement in this matter to each person joining MAS within 60 days of that person joining MAS; (4) holding a briefing annually at a general membership meeting on the meaning and requirements of the Final Judgment and the antitrust laws; (5) obtaining from each MAS officer and Executive Committee member an annual written certification that he or she (a) has read, understands, and agrees to abide by the terms of the Final Judgment, (b) has been advised and understands that noncompliance with the Final Judgment may result in his or her conviction for criminal contempt of court and imprisonment and/or fine, and (c) is not aware of any violation of the Final Judgment; (6) maintaining for inspection by plaintiff a record of recipients to whom the Final Judgment has been distributed and from whom the required certification has been obtained; and (7) conducting an audit of its activities within 60 days from the entry of the Final Judgment and periodically thereafter while the Final Judgment remains in effect, to determine compliance with the Final Judgment.

Section X requires each individual defendant to distribute a copy of the Final Judgment to each physician in, and the business and office managers of, their respective practices within 10 days of the entry of the Final Judgment. Section X also requires each individual defendant to distribute a copy of the Final Judgment to any physician who joins their respective practices or to any person who becomes the business or office manager of their respective practices within 10 days of that person joining or becoming employed by the practice.

Section XI required various certifications of defendants. Section XI requires MAS to certify to plaintiff within 75 days after the entry of the Final Judgment that MAS has established and adopted a written antitrust compliance policy and provide a copy thereof to plaintiff; and that MAS has made the distribution of the policy statement and Final Judgment, Complaint, and Competitive Impact Statement in this matter as required by Sections IX(A)–(B) of the Final Judgment. Under Section XI, MAS must also certify annually to plaintiff whether MAS has complied with the provisions of Sections IX(C)–(G). Section XI also requires each individual defendant to certify annually using the form attached to the Final Judgment that defendant has read the Final Judgment and understands it and has complied with Section X of the Final Judgment.

Section XII of the proposed Final Judgment provides that the Court may, after notice and hearing, impose upon MAS a civil fine for violating Section IV of the Final Judgment without there having to be any showing of willfulness or intent. Section XIII of the proposed Final Judgment provides that, in addition to or in lieu of the civil penalties provided for in Section XII of the Final Judgment, the United States may seek and the Court may impose against any defendant or any person any other relief allowed by law for violation of the Final Judgment.

Section XVI requires defendants to provide various notifications to plaintiff. Under Section XVI, MAS must notify plaintiff at least 30 days before any proposed change in its legal structure such as dissolution, reorganization, or merger resulting in the creation of a successor corporation or association, or any other change which may affect compliance with the Final Judgment. Section XVI also requires each individual defendant to notify, in writing, plaintiff not later than 15 days

after the retirement of his license to practice medicine or his assumption of inactive status, and to provide plaintiff with evidence of such retirement or assumption of inactive status. In the event that the retiring or inactive individual defendant subsequently seeks reinstatement of his license or resumes active status, Section XVI requires him to notify plaintiff, in writing, not later than 15 days after such reinstatement or resumption of active status.

B. Scope of the Proposed Final Judgment

The Final Judgment applies to MAS and to each of its officers, committee members, agents, employees, successors, and assigns, to each individual defendant until the retirement of his license to practice medicine or the assumption of inactive status as provided in 243 CMR 2.06(3) and 243 CMR 2.07(7) and during any subsequent period of reinstatement of his license or resumption of active practice, and to each of their agents and employees, and to all other persons acting in concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

Section XVII of the proposed Final Judgment provides that the Final Judgment shall remain in effect for 10 years.

C. Effect of the Proposed Judgment on Competition

The relief in the proposed Final Judgment is designed to ensure that MAS does not act for and is not used by allergists as a joint negotiating agent on fees with any HMO. The relief is also designed to ensure that the individual defendants do not negotiate fees on behalf of MAS or, except in very limited circumstances, as an agent for any other physician with any third party payer.

Three separate methods for determining compliance with the terms of the Final Judgment are provided. First, Section XI(A) requires MAS to certify to the Department of Justice within 75 days after the Final Judgment is entered that MAS has established and adopted a written antitrust compliance policy, provided a copy to plaintiff, and made the required distribution of the statement and Complaint and Competitive Impact Statement under Sections IX(A)–(B) of the Final Judgment. Section XI(B) requires MAS to certify annually to the Department of Justice that it has made the various distributions, held the briefings, obtained the certifications, maintained the records, and conducted the audits required by Sections IX(C)–(G) of the Final Judgment. Section XI(C) requires each individual defendant to certify annually using the form attached to the Final Judgment that he has read the Final Judgment and understands it and has complied with Section X of the Final Judgment.

Second, Section XIV(A) provides that, upon reasonable notice, the Department of Justice shall be given access to any records of a defendant and be permitted to interview any officers, employees, or agents of such defendant.

Finally, Section XIV(B) provides that, upon written request, the Department of Justice may require a defendant to submit written reports, under oath if asked, about any matters relating to the Final Judgment as may be requested.

The Department of Justice believes that this proposed Final Judgment contains adequate provisions to prevent further violations of the type upon which the Complaint is based and to remedy the effects of the alleged conspiracy.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against defendants in this matter.

V. Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Robert E. Bloch, Chief, Professions and Intellectual Property Section, Antitrust Division, U.S. Department of Justice, 555 Fourth Street NW., Washington, DC 20001, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to entry. Section XV of the proposed Final Judgment provides that the Court retains jurisdiction over this section, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case with the respect to the consenting defendants. In the view of the Department of Justice, such a trial would involve substantial cost to the United States and is not warranted since the proposed Final Judgment provides all the relief that the United States sought in its Complaint.

VII. Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposal Final Judgment.

Dated: February 14, 1992.

Respectfully submitted,

Edward D. Eliasberg, Jr.

Seymour H. Dussman

James F. Shalleck

Karen L. Gable

Attorneys, U.S. Department of Justice, Antitrust Division, 555 Fourth Street, N.W., Washington, DC 20001, Telephone: (202) 307–0808.

Certificate of Service

I, James F. Shalleck, hereby certify that a copy of the Amended Competitive Impact Statement in *United States* v. *Massachusetts Allergy Society, Inc., et al.* was served on the 14th day of February 1992, first class mail, to counsel as follows:

Daniel L. Goldberg, Esquire, Bingham, Dana & Gould, 150 Federal Street, Boston, Massachusetts 02110.

Phillip A. Proger, Esquire, Jones, Day Reavis & Pogue, 1450 G Street, NW., Washington, DC 20005.

Elliot D. Lobel, Esquire, Peckham, Lobel, Casey, Prince & Tyne, 585 Commercial Street, Boston, Massachusetts 02109–2024.

Mitchell Rogovin, Esquire, Donovan Leisure, Rogovin, Huge & Schiller, 1250 Twenty-Fourth Street, NW., Washington, DC 20037–1124.

Robert M. Buchanan, Esquire, Sullivan & Worcester, One Post Office Square, Boston, Massachusetts 02109.

James F. Shalleck.

[FR Doc. 92–4424 Filed 2–26–92; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Arts on Radio Section) to the National Council on the Arts will be held on March 19, 1992 from 9 a.m.–5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9 a.m.–9:30 a.m. and 5 p.m.–5:30 p.m. The topics will be introductory remarks and guidelines review.

The remaining portion of this meeting from 9:30 a.m.–5 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 21, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call (202) 682–5433.

Dated: February 20, 1992.

Yvonne M. Sabine,

Director, Council ond Ponel Operotions, National Endowment for the Arts.

[FR Doc. 92–4433 Filed 2–26–92; 8:45 am]

BILLING CODE 7537–01–M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Radio/Audio Projects Section) to the National Council on the Arts will be held on March 17, 1992 from 9 a.m.—6:30 p.m. and March 18 from 9 a.m.—5:00 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

Portions of this meeting will be open to the public on March 17 from 9 a.m.—9:30 a.m. and March 18 from 5 p.m.—5:30 p.m. The topics will be introductory remarks and guidelines review.

The remaining portions of this meeting on March 17 from 9:30 a.m.—6:30 p.m. and March 18 from 9 a.m.—5 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call (202) 682–5433.

Dated: February 20, 1992.

Yvonne M. Sabine,

Director, Council ond Ponel Operations, Notional Endowment for the Arts.

[FR Doc. 92–4434 Filed 2–26–92; 8:45 am]

BILLING CODE 7537–01–M

Theater Advisory Panel to the National Council on the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Professional Theater Companies "A" Section) to the National Council on the Arts will be held on March 16, 1992 from 9:30 a.m.–8:30 p.m., March 17–18 from 9:30 a.m.–9:30 p.m. and March 19 from 9:30 a.m.–6 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 16 from 9:30 a.m.–10:30 a.m. The topics will be opening remarks and panelist orientation.

The remaining portions of this meeting on March 16 from 10:30 a.m.–8:30 p.m., March 17–18 from 9:30 a.m.–9:30 p.m. and March 19 from 9:30 a.m.–6 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at east seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: February 21, 1992.
Yvonne M. Sabine,
Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 92-4536 Filed 2-26-92; 8:45 am]
BILLING CODE 7537-01-M

Theater Advisory Panel to the National Council on the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Professional Theater Companies "B" Section) to the National Council on the Arts will be held on March 24, 1992 from 9:30 a.m.-8:30 p.m., March 25-26 from 9:30 a.m.-9:30 p.m. and March 27 from 9:30 a.m.-6 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 24 from 9:30 a.m.-11 a.m. The topics will be opening remarks and panelist orientation.

The remaining portions of this meeting on March 24 from 11 a.m.-8:30 p.m., March 25-26 from 9:30 a.m.-9:30 p.m. and March 27 from 9:30 a.m.-6 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodation due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 21, 1992.
Yvonne M. Sabine,
Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 92-4537 Filed 2-26-92; 8:45 am]
BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computer and Computation Research; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because 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 proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Computer & Computation Research.

Date: March 18-19, 1992.

Time: 8:30 a.m-5 pm.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Type of Meeting: Closed.

Agenda: Review and evaluate Research Initiation Awards proposals.

Contact: Dr. Bruce H. Barnes, Acting Division Director, Computer and Computation Research, National Science Foundation, rm. 304, Washington, DC 20550 (202-357-9747).

Dated: February 24, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-4466 Filed 2-26-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Meeting

Name: Special Emphasis Panel in Materials Research.

Type of Meeting: Closed.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Purpose of Meeting: To provide advice and recommendations concerning support for DMR 1992 NYI Awards Program.

Contact: Dr. Robert J. Reynik, Head, Office of Special Programs, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357-9791.

Place: National Science Foundation, 1800 G Street, Northwest, Washington, DC 20550.

Meeting Dates and time	Proposal area	Room
Mar 16-17, 1992 8:30 a.m. to 5 p.m.	Metals, ceramics, electronic materials.	411
Mar. 25-26, 1992 8:30 a.m. to 5 p.m.	Solid state chemistry and polymers.	411
Mar. 30-31, 1992 8:30 a.m. to 5 p.m.	Condensed matter physics.	411
Mar. 30-31, 1992 8:30 a.m. to 5 p.m.	Materials theory	417C

Dated: February 24, 1992.
M. Rebecca Winkler,
Committee Management Office.
[FR Doc. 92-4468 Filed 2-26-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Microelectronic Information Processing Systems

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 Microelectronic Information Processing Systems.

Date and Time: March 16, 1992, 8:30 a.m.-5 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, Conference Rooms: 523, 540B, 1242, 1243.

Type of Meeting: Closed.

Contact Persan: Dr. John R. Lehmann, Deputy Division Director, Microelectronic Information Processing Systems, National Science Foundation, room 414, Telephone No.: 202-357-7853.

Purpose of Meeting: To provide advice and recommendations as part of the selection process for awards.

Agenda: Proposals to be reviewed and evaluated are the FY 92 Research Initiation Award (RIA) proposals. These proposals are in the Microelectronic

Information Processing Systems area of research.

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 24, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-4467 Filed 2-26-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

Illinois Power Co., et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-62, issued to Illinois Power Company and Dairyland Power Cooperative Inc. (the licensee), for operation of the Clinton Power Station, Unit No. 1, located in DeWitt County, Illinois.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise Technical Specification (TS) section 3.3.4.1 to allow use of the Clinton Power Station (CPS) Anticipated Transient Without Scram Recirculation Pump Trip (ATWS-RPT) system test switches during operational condition ' (RUN MODE) and to extend the out-of-service time for one channel from 48 hours to 72 hours.

The proposed action is in accordance with the licensee's application for amendment dated December 17, 1990, as supplemented by letter dated December 17, 1991.

The Need for the Proposed Action

The proposed change to the TS is required in order to make the CPS TS consistent with other BWR-6 plants. The proposed TS change is in compliance with 10 CFR 50.62. The current TS do not allow having more than one channel in a trip system inoperable. The ATWS-RPT test switch design renders both channels in a trip system inoperable. The proposed TS change will allow greater flexibility for maintenance and surveillance activities on the ATWS-RPT system.

Environmental Impacts of the Proposed Action

The ATWS-RPT instrumentation is nonsafety related. It is used to limit the consequences of a failure to scram during an anticipated transient. The proposed changes do not result in any changes to the plant design, operation, or the setpoints of the ATWS-RPT instrumentation, and do not increase the probability or consequences of an accident. No changes are being made in the types of any effluent that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed change to the TS does not affect nonradiological plant effluent and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since the Commission concludes that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Clinton Power Station, Unit No. 1, dated May 1982.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon this environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

For further details with respect to this action, see the request for amendment dated December 17, 1990 and revised December 17, 1991, and the Final Environmental Statement for the Clinton Power Station dated May 1982, which are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the Vespasian Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, Maryland, this 20th day of February 1992.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Acting Director, Project Directorate III-3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-4508 Filed 2-26-92; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures; Meeting

A portion of the ACRS Subcommittee meeting on Planning and Procedures scheduled for Wednesday, March 4, 1992, 3 p.m., room P-422, 7920 Norfolk Avenue, Bethesda, MD, will be closed as necessary to discuss the qualifications of candidates proposed for appointment as members of the Committee. This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6). All other items pertaining to this meeting remain the same as published previously in the Federal Register on Thursday, February 20, 1992 (57 FR 6132).

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492-4516) between 7:30 a.m. and 4:15 p.m., EST. Persons planning to attend this meeting are urged to contact the above-named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 21, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92-4505 Filed 2-26-92; 8:45 am]

BILLING CODE 7590-01-M

Draft Report on Estimate of Radionuclide Release Characteristics into Containment Under Severe Accident Conditions

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability for comment of DRAFT NUREG/CR-5747, "Estimate of Radionuclide Release Characteristics into Containment Under Severe Accident Conditions".

SUMMARY: This notice announces the availability for comment of draft NUREG/CR-5747, "Estimate of Radionuclide Release Characteristics into Containment Under Severe Accident Conditions." The information in this report will be considered by the NRC staff in the formulation of updated accident source terms for LWR reactors to replace those given in report TID-14844. These source terms are used in the licensing of nuclear power plants to assure adequate protection for the public health and safety.

Any interested party may submit comments on this report for consideration by the staff. To be certain of consideration, comments must be received within 45 days of the date of this Federal Register notice and should be sent to the contact indicated below. Comments received after this date will be considered to the extent practical.

A copy of draft NUREG/CR-5747 has been placed in the NRC Public Document Room, Gelman Building, 2120 L Street N.W., Washington, DC 20555. A free single copy may be obtained by writing to the U.S. Nuclear Regulatory Commission, Attn: Distribution Section, 7103-MNBB, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Leonard Soffer, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492-3916.

Dated in Rockville, Maryland this 19th day of February, 1992.

For the Nuclear Regulatory Commission.

Warren Minners,

Director, Division of Safety Issue Resolution, Office of Nuclear Regulatory Research.

[FR Doc. 92-4506 Filed 2-26-92; 8:45 am]

BILLING CODE 7590-01-M

Shutdown and Low-Power Operation at U.S. Nuclear Power; Availability of a Draft Report for Public Comment

The Nuclear Regulatory Commission has published a report, NUREG-1449, entitled, "Shutdown and Low-Power Operation at Commercial Nuclear Power Plants in the United States". The report documents the results of the NRC Staff's evaluation of shutdown and low-power operation at U.S. commercial nuclear power plants. Potential new regulatory requirements are discussed in the report, as well as potential changes in NRC programs.

NUREG-1449 has been issued as a draft report for public comment. The Commission is especially interested in comments regarding the safety benefits and the financial, and other, impacts of implementing potential new requirements discussed in the report. Such comments and any others will be considered by the Commission as it conducts its regulatory analysis of the potential new requirements. The comment period expires on April 30, 1992. Comments received after that date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before that date.

A free single copy of NUREG-1449, may be requested by those considering public comment by writing to the U.S. Nuclear Regulatory Commission, ATTN: Distribution and Mail Services Section, Mail Stop P-370, Washington, DC 20555. A copy is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington DC.

Dated at Rockville, Maryland, this 20th day of February 1992.

For the Nuclear Regulatory Commission.

Robert C. Jones, Jr.,

Chief, Reactor Systems Branch, Office of Nuclear Reactor Regulation.

[FR Doc. 92-4507 Filed 2-26-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co., Turkey Point Plant, Units 3 and 4; Receipt and Denial of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action regarding the Petition filed pursuant to 10 CFR 2.206 by Mr. Thomas J. Saporito, Jr.

On December 3, 1992, Mr. Saporito (Petitioner) submitted a request pursuant to 10 CFR 2.206 that the U.S. Nuclear Regulatory Commission (NRC) take certain actions against the Florida Power and Light Company (FPL) regarding the Turkey Point Plant, Units 3 and 4. These actions include initiating a show cause proceeding pursuant to 10 CFR 2.202 and an enforcement action for violations of the Atomic Energy Act and 10 CFR 50.7.

The Petitioner asserts, as bases for the request, that in December 1988 he was fired from his job as an Instrument Control Technician at the Turkey Point Station because he raised nuclear safety concerns to the NRC Region II office, that FPL is continuing to practice conduct in violation of the Atomic Energy Act and 10 CFR 50.7 and recently fired Mr. Richard Robaines for identifying nuclear safety concerns to NRC Region II personnel, and that this action by FPL has resulted in a significant "chilling effect" on the willingness of employees to raise safety concerns at FPL's Turkey Point and St. Lucie nuclear stations. The Office of Nuclear Reactor Regulation (NRR) has evaluated the petition and concluded that it does not provide any basis for any action against FPL. The basis for this position is that the Petitioner has not provided any new information that has not already been addressed by the licensee and the NRC staff. Upon finding no sufficient bases for action, the NRC has denied the Petition in its letter to the petitioner, of February 20, 1992.

Dated at Rockville, Maryland, this 20th day of February 1992.

Frank J. Miraglia,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-4509 Filed 2-26-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-77 issued to the Tennessee Valley Authority (the licensee) for operation of the Sequoyah Nuclear Plant, Unit 1 located in Hamilton County, Tennessee.

The proposed changes would revise the overtemperature (OT) differential temperature (DT) allowable values, overpower (OP) DT allowable values, and the Reactor Coolant System (RCS) loop DT allowable values in Tables 2.2-

1 and 3.3–4 for the reactor trip and engineered safety features. The OTDT and OPDT values would be changed from 1.9 and 1.7 percent of span respectively, to 1.6 percent of span each. The RCS loop DT would change from +2.5 percent reactor thermal power (RTP) (Item 13.a in Table 2.2–1 and Item 6.c.i in Table 3.3–4) to +2.4 percent RTP. In addition, the 18-month requirement for calibration of the RCS resistance temperature detectors in Table 4.3–1 (Items 7 and 8) and Table 4.3–2 (Item 6.c.3) would be changed to use a technical evaluation in lieu of a cross-calibration of the resistance temperature detector sensors. The technical evaluation used is that described for this proposed Technical Specification. The changes would be effective for the current fuel cycle (Unit 1, Cycle 6), which is scheduled to end in March 1993.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated: or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specifications (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

[* * *] this TS change will provide different allowable values for overtemperature (OT) differential temperature (DT), overpower (OP) DT, and reactor coolant system (RCS) loop DT and documents the technical evaluation used in lieu of the associated channel-calibration requirements. These changes ensure that the accident analysis for SQN remains valid and that the associated surveillances remain in frequency. The impact on control and protection functions considering these changes is shown not to increase the probability of any accident because no accident initiator is affected. With these changes, the consequences of an accident have been evaluated to ensure no increase in the radiological consequences would result. Control and protection functions will continue to operation. The proposed TS changes will compensate for the increased calibration uncertainty of the RCS resistance temperature detectors (RTD).

2. Create the possibility of a new of different kind of accident from any previously analyzed.

These TS changes only affect protection functions that required additional conservatism to support the SQN safety analysis because of the increase in RTD calibration uncertainly. All other effects resulting from the calibration uncertainty have been evaluated by Westinghouse and verified not to impact the intended functions or operability of control or protection features. Accordingly, no new accident scenarios have been created by these changes to the TSs or the calibration uncertainty.

3. Involve a significant reduction in a margin of safety.

The increase in the RTD calibration uncertainly did not adversely impact the safety-analysis limits or nominal trip setpoints of any protection function. To accommodate the increase in RTD uncertainly, the TS allowances for OTDT, OPDT, and RCS loop DT setpoints are reallocated. The SQN safety analysis remains valid with these changes and does not involve a reduction in the margins of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Breach, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 30, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board Panel will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in

the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Frederick J. Hebdon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 20, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee.

Dated at Rockville, Maryland, this 24th day of February 1992.

For the Nuclear Regulatory Commission.

David E. LaBarge,

Senior Project Monoger, Project Directorate II–4, Division of Reoctor Projects I/II, Office of Nuclear Reoctor Regulation.

[FR Doc. 92–4510 Filed 2–26–92; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Improving the Management and Use of Government

AGENCY: Office of Management and Budget, General Management Division.

ACTION: Proposed Revision to OMB Circular No. A–126.

SUMMARY: This Notice offers interested parties an opportunity to comment on proposed changes to Office of Management and Budget (OMB) Circular No. A–126 "Improving the Management and Use of Government Aircraft," dated January 18, 1989. The Circular contains guidance to the Federal agencies on acquiring, managing, using, accounting for the costs of, and disposing of aircraft.

DATES: Comments must be in writing and must be received by March 30, 1992.

ADDRESSES: Comments should be sent to the Office of Management and Budget, General Management Division, room 10202, New Executive Office Building, Washington DC 20503.

FOR FURTHER INFORMATION CONTACT: Jack Kelly, Federal Services Branch, General Management Division, Office of Management and Budget, (202) 395–5090. Copies of Attachments A and B to the Circular are available upon request.

SUPPLEMENTARY INFORMATION: On September 28, 1991, OMB announced its intention to reform the circular system. This initiative involves eliminating 11 circulars and revising 20 of the remaining 32 circulars. This revision to OMB Circular No. A–126 strengthens the guidelines on use of government aircraft and imposes stricter approval and reporting requirements.

The text of the proposed revision to OMB circular No. A–126 follows.

Frank Hodsoll,

Deputy Director for Management.

To the Heads of Executive Departments and Establishments

Subject: Improving the Management and Use of Government Aircraft

1. *Purpose.* This Circular is being issued to improve the management and use of government aviation resources. It prescribes policies to be followed by Executive Agencies in acquiring, managing, using, accounting for the costs of, and disposing of aircraft.

2. *Authority.* This Circular is issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; Executive Order 11541; and 31 U.S.C. 1344.

3. *Background.* The Office of Management and Budget has concluded that the government-wide policy guidance with respect to the use of government aircraft should be clarified to restrict the operation of government aircraft to defined official purposes; restrict travel on such aircraft; require special review of such travel on government aircraft by senior officials or non-Federal travelers in circumstances described hereafter; and codify policies for reimbursement for the use of government aircraft.

4. *Scope and Coverage.* This Circular applies to all government-owned, leased, chartered and rental aircraft and related services operated by Executive Agencies except for aircraft while in use by or in support of (a) the President or Vice President; or (b) the head of any agency (i.e., the Secretary of State or Defense or the Attorney General) that the President has required to use government aircraft because of bona fide security concerns, communications needs, or exceptional scheduling requirements.

5. *Definitions.* For purposes of this Circular, the following definitions apply.

a. *Government aircraft* means any aircraft owned, leased, chartered or rented and operated by an Executive Agency.

b. *Mission requirements* means activities that constitute the discharge of an agency's official responsibilities. Such activities include, but are not limited to, the transport of troops and/or equipment, training, evacuation (including medical), intelligence and counter-narcotics activities, search and rescue, transportation of prisoners, use of defense attaché-controlled aircraft, and other such activities. For purposes of this Circular, mission requirements do not include official travel to give speeches, to attend conferences or meetings, or to make routine site visits.

c. *Official travel* means (i) travel to meet mission requirements, (ii) authorized special use travel, and (iii) other travel for the conduct of agency business.

d *Authorized special use* means use of a government aircraft for the travel of an Executive Agency officer or employee, where the use of the government aircraft is required because of bona fide communications or security needs of the agency or exceptional scheduling requirements.

e. *Senior Federal officials* are persons:

(i) Employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5 of the U.S. Code;

(ii) Employed in a position in an Executive Agency, including any independent agency, at a rate of pay payable for level I of the Executive Schedule or employed in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule;

(iii) Employed in an Executive Agency in a position that is not referred to in clause (i) (other than a position that is subject to pay adjustment under section 1009 of title 37 of the U.S. Code) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under section 5304 of title 5 of the U.S. Code (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of basic pay payable for level V of the Executive Schedule; or

(iv) Appointed by the President to a position under section 105(a)(2) (A) or (B) of title 3 of the U.S. Code or by the Vice President to a position under section 106(a)(1) (A) or (B) of title 3 of the U.S. Code.

f. *Full coach fare* means a coach fare available to the general public between the day that the travel was planned and the day the travel occurred.

g. *Full operating cost* means all costs associated with the use and operation of an aircraft. (See Attachment A for detailed definition.)

6. *Acquisition and Management.*

a. The number and size of aircraft acquired by an agency and the capacity of those aircraft to carry passengers and cargo shall not exceed the level necessary to meet the agency's mission requirements.

b. Agencies must comply with OMB Circular No. A–76 before purchasing, leasing or otherwise acquiring aircraft and related services to assure that these services cannot be obtained from and operated by the private sector more cost effectively.

c. Agencies shall review periodically the continuing need for all of their aircraft and the cost effectiveness of their aircraft operations in accordance with the requirements of OMB Circular No. A–76. A copy of each agency review shall be submitted to GSA when completed and to OMB with the agency's next budget submission. Agencies shall report any excess aircraft and release all aircraft that are not fully justified by these reviews.

d. Agencies shall use their aircraft in the most cost effective way to meet their requirements.

7. *Use of Government Aircraft.* Agencies shall operate government aircraft only for official purposes. Official purposes include the operation of government aircraft for (i) mission requirements, and (ii) other official travel.

8. *Travel on Government Aircraft.* Government aircraft shall only be used for (i) official travel; or (ii) on a space available basis subject to the following policies:

a. Official travel that is not also authorized special use travel or to meet mission requirements shall be authorized only when:

(i) No commercial airline or aircraft service is reasonably available to fulfill effectively the agency requirement; or

(ii) The full operating cost of using a government aircraft is not more than the cost of using commercial airline or aircraft service. When a flight is being made to meet mission requirements or for authorized special use travel (and certified as such in writing by the agency which is conducting the mission as required in Section 10.b.), secondary use of the aircraft for other travel for the conduct of agency business may be presumed to result in cost savings (i.e., cost comparisons are not required).

b. Travelers may not use government aircraft on a "space available" basis unless:

(i) the aircraft is already scheduled for use for an official purpose;

(ii) such "space available" use does not require a larger aircraft than needed for the official purpose;

(iii) such "space available" use results only in minor additional cost to the government; and

(iv) reimbursement is provided as set forth in Section 9.

9. *Reimbursement for Use of Government Aircraft.*

a. *For travel that is not authorized special use travel:*

(i) Any incidental private activities (personal or political) of an employee

undertaken on an employee's own time while on official travel shall not result in any increase in the full costs to the government of operating the aircraft.

(ii) The government shall be reimbursed the appropriate share of the full coach fare for any portion of the time on the trip spent on political activities.

b. *For authorized special use travel.* The government shall be reimbursed as follows (except as may otherwise be required by subsection (d)) for authorized special use travel:

(i) For a wholly personal or political trip, the full coach fare for the trip;

(ii) For an official trip during which the employee engages in political activities, the appropriate share of the full coach fare for the trip;

(iii) For an official trip during which the employee engages in personal or political activities and takes one or more flights that would not have been taken by him or her had there been no personal or political activities, the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal or political activities on the trip.

c. *"Space available" travel.* For "space available" travel other than for the conduct of agency business, whether on mission or other flights, the government shall be reimbursed at the full coach fare except, (i) as authorized under 10 U.S.C. 4744 and regulations implementing the statute; and (ii) for civilian personnel and their dependents in remote locations, i.e., locations not reasonably accessible to regularly scheduled commercial airline service.

d. In any case of political travel, reimbursement shall be made in the amount required by law (e.g., 11 C.F.R. 106.3) if greater than the amount otherwise required by the foregoing reimbursement rules.

10. *Approving the Use of Government Aircraft.* The following policies apply to the procedures under which the use of government aircraft for official travel may be approved by the agency which owns or operates the aircraft:

a. Only an agency head, or officials designated by the agency head, may approve the use of agency aircraft for official travel.

b. Whenever a government aircraft used to fulfill a mission requirement is used also to transport senior Federal officials, members of their families or other non-Federal travelers on a "space available" basis (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), the agency that is conducting the mission shall certify in writing prior to the flight that the aircraft is scheduled to perform a bona fide mission activity, and that the minimum mission requirements have not been exceeded in order to transport such "space available" travelers. In special emergency situations, an after-the-fact written certification by an agency is permitted.

c. Agencies that use government aircraft shall report semi-annually to GSA each use of such aircraft for non-mission travel by senior Federal officials, members of the families of such officials, and any non-Federal travelers (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute). Such reports shall be in a format specified by GSA and shall list all such travel conducted during the preceding six month period. The report shall include: (i) the name of each such traveler, (ii) the official purpose of the trip, (iii) destination(s), and (iv) for travel to which Section 8.a.(ii) applies, the appropriate allocated share of the full operating cost of each trip and the corresponding commercial cost for the trip. (Reports on classified trips shall not be reported to GSA but must be maintained by the agency using the aircraft and available for review as authorized.)

11. *Approving Travel on Government Aircraft.* The following policies apply to the procedures under which travel on government aircraft may be approved by the agency which sponsors the travel:

a. *General approval requirements*—All travel on government aircraft must be authorized by the sponsoring agency in accordance with its travel policies and this Circular and documented on an official travel authorization.

b. *Special approval requirements for autharized special use travel*—Use of government aircraft for authorized special use travel must be approved in advance and in writing. A Federal officer or employee must obtain written approval for all authorized special use travel on a trip-by-trip basis from the agency's senior legal official or his/her principal deputy, unless, in the case of an officer or employee who is not an agency head, the agency head has determined that all travel by the officer or employee or travel in specified categories qualifies as authorized special use travel. Any determination by the head of an agency that travel by an officer or employee of that agency qualifies as authorized special use travel must be in writing and set forth the basis for that determination. In special emergency situations, an after-the-fact written certification by an agency is permitted.

Any agency head opting to determine that travel by an officer or employee may be authorized special use travel shall establish written standards for determining when authorized special use travel is permitted. Such travel is not permitted unless in conformance with such written standards.

c. *Special appraval requirements far other travel that is nat authorized special use travel*—Use of government aircraft for such travel by the following categories of people must be authorized in advance and in writing:

(i) Senior Federal officials;

(ii) Members of families of such senior Federal officials; and

(iii) Non-Federal travelers.

Such authorizations must be approved on a trip-by-trip basis and be signed by the agency's senior legal official or his/her principal deputy; or be in conformance with an agency review and approval system that has been approved by OMB. In special emergency situations, an after-the-fact written certification by an agency is permitted.

12. *Respansibilities.*

a. All Executive Agency officials with statutory authority to procure aircraft will assure that:

(i) Their agency's internal policies and procedures for procuring aircraft and related services are consistent with the requirements of OMB Circular No. A–76.

(ii) Their agency's aircraft programs comply with the internal control requirements of OMB Circular No. A–123 and that they are included in the agency's Management Control Plan. Any material weaknesses in these programs are to be reported in the annual internal control reports to the President and the Congress.

(iii) Their agency cooperates with the General Services Administration in the development of aircraft management policies and standards and in the collection of aircraft information.

b. The Secretaries of Defense and "the uniformed services," the Secretary of State, and the Administrator of General Services shall incorporate the applicable policies in this Circular into the travel regulations which they promulgate for uniformed service, foreign service, and civilian employees, respectively. The necessary changes to these regulations should be issued no later than 180 days from the date of this Circular.

c. The Administrator of General Services shall maintain a single coordinating office for civilian agency aircraft management. The responsibilities of this office shall include, but not be limited to, the following: (i) Coordinating the development of effectiveness measures

and standards, policy recommendations, and guidance for the procurement, operation, safety, and disposal of civilian agency aircraft; (ii) operating a government-wide aircraft management information system; (iii) identifying and advising agencies and OMB of opportunities to share, transfer, or dispose of underutilized aircraft; to reduce excessive aircraft operations and maintenance costs; and to replace obsolete aircraft; (iv) providing other technical assistance to agencies in establishing their own automated aircraft information and cost accounting systems and conducting the cost analyses required by this Circular; (v) reviewing proposed agency internal aircraft policies for compliance with OMB guidance and notifying OMB of any discrepancies; and (vi) conducting an annual study of the variable and fixed costs of operating the different categories of government aircraft and disseminating the results for use in making the cost comparisons required in Section 8.a.(ii) and reporting the trip costs as required in Section 10.c.

In order to carry out these responsibilities, the Administrator of General Services shall maintain an interagency aviation policy working group to advise him in developing or changing aircraft policies and information requirements.

d. Except for provisions of this Circular which specify their own implementation dates, each agency head shall issue internal agency directives to implement this Circular no later than 180 days from the date of the Circular. These internal agency directives must include all policies contained in this Circular, but may also contain additional policies unique to the agency. Responsibility for these policies shall be assigned to a senior management official who has the agency-wide authority and resources to implement them.

13. *Accounting for Aircraft Costs.* Agencies must maintain systems for their aircraft operations which will permit them to: (i) Justify the use of government aircraft in lieu of commercially available aircraft, or the use of one government aircraft in lieu of another; (ii) recover the costs of operating government aircraft when appropriate; (iii) determine the cost effectiveness of various aspects of their aircraft programs; and (iv) conduct the cost comparisons required by OMB Circular A-76 to justify in-house operation of government aircraft versus procurement of commercially available aircraft services. Although agency accounting systems do not have to be uniform in their design or operation to comply with this Circular, they must accumulate costs which can be summarized into the standard Aircraft Program Cost Elements defined in Attachment B. The use of these elements to account for aircraft costs is discussed in Attachment A.

14. *Effective Date.* This Circular is effective on publication.

15. *Information Contact.* All inquires should be addressed to the General Management Division, Office of Management and Budget, telephone number (202) 395-5090.

Richard Darman,

Director.

[FR Doc. 92-4268 Filed 2-26-92; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Exercise of Federal Oversight Within Scope of Statutory Authority: Planned Introductions of Biotechnology Products into the Environment

AGENCY: Executive Office of the President, Office of Science and Technology Policy.

ACTION: Announcement of policy.

SUMMARY: Biotechnology is the use of various biological processes, both traditional and newly devised, to make products and perform services from living organisms or their components. Because these diverse processes, products and services may find application in many areas, such as medicine and pharmaceuticals, agriculture, energy, manufacturing, and environmental protection, the attendant planned introduction of biotechnology products into the environment may be subject to federal oversight under the federal statute(s) relating to each such area. The statutory provisions necessarily define the boundaries of the scope of discretion afforded to executive branch agencies to exercise oversight..

In 1986 the "Coordinated Framework" was issued to explain the proper allocation and coordination of oversight responsibilities under the several relevant statutes and among the several relevant federal agencies. The Coordinated Framework thus addressed who shall have oversight authority in each instance, but did not address how that authority should be exercised in the frequent situations in which a statute leaves the implementing agency latitude for discretion.

To fill that need, the Federal Register notice sets forth the proper basis for agencies' exercise of oversight authority within the scope of discretion afforded by statute. It describes a risk-based, scientifically sound approach to the oversight of planned introductions of biotechnology products into the environment that focuses on the characteristics of the biotechnology product and the environment into which it is being introduced, not the process by which the product is created. Exercise of oversight in the scope of discretion afforded by statute should be based on the risk posed by the introduction and should not turn on the fact that an organism has been modified by a particular process or technique.

In order to ensure that limited federal oversight resources are applied where they will accomplish the greatest net beneficial protection of public health and the environment, oversight will be exercised only where the risk posed by the introduction is unreasonable, that is, when the value of the reduction in risk obtained by additional oversight is greater than the cost thereby imposed. The extent and type of oversight measure(s) will thus be commensurate with the gravity and type of risk being addressed, the costs of alternative oversight options, and the effect of additional oversight on existing safety incentives.

These principles recognize the desirability of appropriate oversight of unreasonable risks, such as current restrictions on the introduction of dangerous pathogens; the principles also confirm the limited extent of current oversight of low-risk activities, such as the traditional breeding of farm animals and plants.

Means for implementing these principles are illustrated; specific implementation must be developed in the context of each agency's statutory programs. Because this Final Statement on Scope addresses the exercise of oversight discretion within the scope of statutory authority, nothing herein displaces agencies' duties under applicable statutes, nor provides additional authority not available under applicable law.

Dated: February 24, 1992.

D. Allan Bromley,

Director, Office of Science and Technology Policy.

Table of Contents

A. Statutes pertaining to biotechnology products
B. Coordinated Framework and the need for a Scope document
C. Proposed Statement on Scope

D. Public Comments on the Proposed Statement on Scope and Subsequent Policy Developments
II. Rationale for Risk-Based Approach
A. Scientific Principles for the Risk-Based Approach
B. Risk-Based Approach Ensures Safety
C. Risk-Based Approach Avoids Discouraging Useful Innovation
III. Final Statement on Scope
IV. Implementation
A. Exercising Discretion Within the Scope of Statutory Authority
B. Evaluating Risk
C. Assessing Oversight Options
D. Use of "Categories of Exclusion/Inclusion"
1. Treatment of former exclusion examples
2. Development of categories of exclusion
3. Development of categories of inclusion
4. Developing Combined Approaches
Appendix: Comments on Proposed Statement on Scope and Subsequent Policy Developments
1. President's Principles of Regulatory Review
2. EPA Report on Risk Priorities
3. Summary of Public Comments on Proposed Statement on Scope
4. Report on National Biotechnology Policy
5. Competitiveness Council Fact Sheet on Critical Technologies

I. Background

A. Statutes Pertaining to Biotechnology Products

Biotechnology is the use of various biological processes, both traditional and newly devised, to make products and perform services from living organisms or their components. See Report on National Biotechnology Policy (President's Council on Competitiveness: Feb. 1991), p. 1. Because these diverse processes, products and services may find application in many areas, such as medicine and pharmaceuticals, agriculture, industry, and environmental protection, the attendant planned introduction of organisms or other biotechnology products into the environment may be subject to federal oversight under the one or more federal statutes relating to each such area. The **Federal Register** of November 14, 1985 (50 FR 47174) contains a matrix of the many federal authorities related to biotechnology products. There is no single, unified statute governing all introductions of biotechnology products into the environment, just as there is no single, unified statute governing the use of any other basic, multipurpose technology such as chemical engineering, civil engineering, or the use of fire or electricity. A single statute would quickly become obsolete, or an excessive constraint on innovation, as people devised new and useful ways to employ the technology, and would fail to address the important differences in the potential impacts of the technology when used in different ways.

Introductions into the environment of biotechnology products are therefore subject to government oversight pursuant to statutory authority corresponding to the particular type of introduction in question. The Federal Plant Pest Act governs the importation and movement of plant pests; the Federal Food, Drug and Cosmetic Act (FFDCA) governs foods, food additives, cosmetics, human and veterinary drugs, and medical devices; the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) governs pesticides; the Toxic Substances Control Act (TSCA) governs chemicals; several statutes (the Clean Air Act, Clean Water Act, Oil Pollution Act, "Superfund" law, and Resource Conservation & Recovery Act) govern the use of pollution control techniques; and certain statutes govern projects that are federally funded. One or more of these laws may apply to introductions of biotechnology products for research or commercial purposes.

Each of these laws is administered by a Federal agency. For example, the Food & Drug Administration (FDA) administers FFDCA; the Environmental Protection Agency (EPA) administers FIFRA, TSCA, and the pollution-control statutes; and the Department of Agriculture (USDA) administers the Federal Plant Pest Act while also funding many research projects involving biotechnology.

Each statute directs the implementing executive branch agency to carry out certain responsibilities. The statutory provisions necessarily define the boundaries of the scope of discretion afforded to executive branch agencies to exercise oversight. Typically each statute leaves the agency discretion within those bounds in exercising oversight.

B. The "Coordinated Framework" and the Need for a Scope Document

In view of the diversity of Federal statutes pertaining to biotechnology products, in 1986 the Coordinated Framework for the Regulation of Biotechnology was issued to describe the comprehensive Federal regulatory policy for ensuring the safety of biotechnology research and products. It explained that existing statutes provide a basic network of agency jurisdiction over both research and products, assuring reasonable safeguards for the public and the environment. It also explained the coordination among Federal agencies to ensure that such safeguards would be generated by a smooth, understandable regulatory oversight process. The Coordinated Framework stated that "to the extent possible, responsibility for a product use will lie with a single agency." (51 FR 23363). The Framework was expected to evolve in light of experience, and modifications to the framework were anticipated. The Coordinated Framework for the Regulation of Biotechnology continues to be Federal Government policy today for the allocation of oversight responsibilities—which agencies shall have oversight responsibility for which biotechnology products.

But the Coordinated Framework did not fully address how oversight should be exercised within the scope of discretionary authority afforded by statute. The Coordinated Framework recognized that while the statutory bases for regulation among the involved agencies may differ, common principles should govern decisions on how to exercise discretionary oversight over introductions of biotechnology products.

C. Proposed Statement on Scope

In order to fill that need, the Federal agencies worked closely to devise such a common statement of the basis for exercising oversight within the scope of discretionary authority afforded by statute. This statement has commonly come to be called the "Scope" document. In July 1990, OSTP published a proposed version of the Scope document prepared through the Interagency Biotechnology Working Group of the President's Council on Competitiveness, which had been asked to review the scope issues by the Director of OSTP after prior attempts to develop a scope had not reached consensus and because the Director observed the need for attention by an interagency group concerned with policy implications as well as scientific issues. This history of this effort is detailed in the Proposed Scope document published by OSTP. See "Principles for Federal Oversight of Biotechnology: Planned Introduction Into the Environment of Organisms with Modified Hereditary Traits," 55 FR 31118 (July 31, 1990). The Proposed Scope set forth a risk-based approach to the scope of oversight: "To the extent permitted by law, planned introductions into the environment of organisms with modified hereditary traits should not be subject to oversight * * * unless information concerning the risk posed by the introduction indicates that oversight is necessary." 55 FR at 31120. This statement expresses a risk-based approach that focuses on the properties of products introduced into the environment, the characteristics of

the target environment, and the confinement measures employed, rather than on the process or technique by which the product was created. Information on the process could provide evidence of likely risk and of quality control in production, but the nature of the process could not be the sole or dispositive criterion for triggering oversight. The Proposed Scope delineated possible criteria for evaluating risk, pertaining to both the organism and the target environment into which it was introduced.

The Proposed Scope also suggested six examples of categories for exclusion from oversight. Five of these categories were defined by modifications such as selective breeding, transformation, deletions and use of noncoding marker genes. The sixth category consisted of modified organisms that present no greater risk than their unmodified parental strains.

D. Public Comments on the Proposed Scope and Subsequent Policy Developments

The Proposed Scope was issued for public comment. A summary of the public comments received is provided in the appendix below.

In addition, several important policy developments have occurred since the issuance of the Proposed Scope, which have been taken into account in developing the current final statement on Scope. These developments include a decision by the President to approve Principles for Regulatory Review for Biotechnology, and an EPA report endorsing the risk-based approach to environmental policy. These policy. These policy developments are also summarized in the appendix.

Agency proposals that address the introduction of organisms into the environment have also been issued since the Proposed Scope. On February 1, 1991, USDA proposed guidelines (56 FR 4134) which set out points-to-consider for scientists in designing field trials and were intended to provide quality assurance for federally-funded agricultural research.

EPA is considering proposed regulations under FIFRA for small-scale release of microbial pesticides titled: Microbial Pesticides; Experimental Use Permits and Notifications, and proposed regulations under TSCA titled: Microbial Products of Biotechnology; Proposed Regulations under the Toxic Substances Control Act.

The present final statement of principles for the exercise of oversight within the scope of statutory authority is based on interagency deliberations since July 1990 and careful consideration of all the items set forth at greater length in the Appendix, including consideration of comments from public and subsequent policy developments. As indicated below, the fundamental risk-based approach in the Proposed Scope received widespread endorsement and has been retained and strengthened in today's final statement.

II. Rationale for Risk-Based Approach

The propose of this statement is to guide the exercise of agencies' oversight, within the scope of authority afforded by statute, to ensure the safety of planned introductions of biotechnology products into the environment while not unduly inhibiting the benefits of such introductions. This approach therefore focuses on the characteristics and risk posed by an introduction, rather than on the process by which a product is created. This is the same fundamental, risk-based approach enunciated in the Proposed Scope in July 1990 (see 55 FR at 31119), and endorsed by the great majority of public comments on the Proposed Scope (see appendix below). The risk-based approach is scientifically sound, properly protects public health and the environment against risk, and avoids hindering safe innovations. Citing these rationales, the first Principle of Regulatory Review for Biotechnology approved by President Bush in August 1990 requires the federal government to adhere to a risk-based approach. Likewise, the EPA Report on Risk Priorities issued in September 1990 and the Competitiveness Council Fact Sheet on Critical Technologies issued in April 1991 explain the imperative of following a risk-based approach. (See excerpts in appendix, below.) This section briefly explains the reasoning behind this risk-based approach.

A. Scientific Principles for the Risk-Based Approach

Introductions of organisms into the environment may pose hazards to humans, wild or domesticated plants and animals, or to the environment generally (for example, algal blooms in ponds or disruptions of natural cycles). The risk posed by an introduction of biotechnology products into the environment is a function of the characteristics of the organisms or other products, the particular application (including confinement measures), and the environment itself. As stated in the Coordinated Framework, "Within agriculture, for example, introductions of new plants, animals and microorganisms have long occurred routinely with only some of those that are not native or are pathogenic requiring regulatory approval." (51 FR 23303). Even many organisms that are pathogenic are routinely used with practices or under conditions that mitigate risk; much of the research within the discipline of plant pathology is in this category. Meanwhile, certain unmodified organisms are of such great risk that they are not allowed into the United States, such as the Foot and Mouth Disease Virus (FMDV).

Just as with traditional breeding techniques, the production of organisms using new molecular techniques of genetic manipulation may or may not pose risk, depending on the characteristics of the organism, the target environment, and the type of application. The National Research Council's extensive review of the potential risks of introductions of organisms made from new biotechnology processes (NRC, Field Testing Genetically Modified Organisms (1989)) reached the conclusion that organisms that have been genetically modified are not *per se* of inherently greater risk than unmodified organisms.

It elaborated:

1. The same physical and biological laws govern the response of organisms modified by modern molecular and cellular methods and those produced by classical methods. (p. 15)

2. Information about the process used to produce a genetically modified organism is important in understanding the characteristics of the product. However, the nature of the process is not a useful criterion for determining whether the product requires less or more oversight. (pp. 14 and 15.)

3. No conceptual distinction exists between genetic modification of plants and microorganisms by classical methods or by molecular techniques that modify DNA and transfer genes. (p. 14)

4. Crops modified by molecular and cellular methods should pose risks no different from those modified by classical methods for similar traits. As the molecular methods are more specific, users of these methods will be more certain about the traits they introduce into the plants. (p. 3)

5. In many respects, molecular methods resemble the classical methods for modifying particular strains of microorganisms, but many of the new methods have two features that make them even more useful than the classical methods.

Precision allows scientists to make genetic modifications in microbial strains that can be characterized more fully, in some cases to the level of DNA sequence. This reduces the degree of uncertainty associated with any intended application. The new methods

have greater power because they enable scientists to isolate genes and transfer them across natural barriers. (p. 123)

The process of modification is thus independent of the safety of the organism. Although the new biotechnology processes can be used to produce risky organisms, so can traditional techniques; it is the characteristics of the organism, the environment, and the application that determine risk (or lack thereof) of the introduction, not the technique used to produce the organism. Indeed, the new technologies of molecular modification may increase the potential for safe, planned introductions because they employ techniques that are more precise and more efficient than traditional cross-breeding, and that therefore yield a better-characterized and more predictable organism. On the other hand, their great power allows us to transfer genes more readily, thus resulting in organisms with new traits or combinations of traits.

From these scientific observations derive the following fundamental Scope principles:

1. A determination to exercise oversight within the scope of discretion afforded by statute should not turn on the fact that an organism has been modified or modified by a particular process or technique, because such fact is not alone a sufficient indication of risk.

2. A determination to exercise oversight in the cope of discretion afforded by statute should be based on evidence that the risk presented by introduction of an organism in a particular environment used for a particular type of application is unreasonable.

3. Organisms with new phenotypic trait(s) conferring no greater risk to the target environment than the parental organisms should be subject to a level of oversight no greater than that associated with the unmodified organisms.

B. Risk-Based Approach Ensures Safety

A purpose of government regulation of biotechnology, as with any safety regulation, is to limit unreasonable risks faced by the public and the environment. Yet agency resources are scarce, and cannot be applied to every possible problem; responsible officials must choose carefully the risks of highest concern and find the best way to combat them. In order to protect the public and the environment, the scope of oversight should help focus agency efforts at reduction of the most important risks (and at least cost, so that society's resources are kept available to combat the next highest risks). As the US Environmental Protection Agency (EPA) recently stated.

There are heavy costs involved if society fails to set environmental priorities based on risk. If finite resources are expended on lower-priority problems at the expense of higher-priority risks, then society will face needlessly high risks. (US EPA, SAB, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection," Sept. 1990, Exec. Sum., (p. 2.))

C. Risk-Based Approach Avoids Discouraging Useful Innovation

Determining the scope of oversight on grounds other than risk would also tend to discourage useful innovations. The potential benefits of biotechnology are enormous; as described in the February 1991 Report on National Biotechnology Policy, innovation in biotechnology has begun to make possible great improvements in our ability to grow food, protect the environment, and produce medications, among other applications. Triggering the exercise of oversight based on the use of a specific innovative technology, such as recombinant DNA, will tend to discourage the use of that technology by industry and researchers.

The distribution of oversight burden across technologies is in many ways as important as the total amount of burden: If oversight is aimed only at one type of technology, the burden will be skewed against that technology and hinder its development. New regulations often place greater restrictions on new products or technologies while grandfathering in older, and sometimes more risky, products or technologies. This uneven regulation encourages the continued use of older products and technologies, while discouraging innovation and potential risk reduction.

Similarly, special oversight directed at "new techniques" in biotechnology could discourage innovations using those techniques.

III. Final Statement on Scope

Statutory provisions necessarily define the boundaries of the scope of discretion afforded to executive branch agencies to exercise oversight. Within the scope of authority provided by statute, federal agencies shall exercise oversight of planned introductions of biotechnology products into the environment only upon evidence that the risk posed by the introduction is unreasonable. A risk is unreasonable where the full value of the reduction in risk obtained by oversight exceeds the full cost of the oversight measure. This formulation ensures that limited federal oversight resources will be applied where they will accomplish the most net beneficial protection of public health and the environment while allowing useful, safe innovations to proceed. Evidence of risk must incorporate information about the chacteristics of the organism or other biotechnology product, the target environment, and the type of application.

Federal government regulatory oversight should focus on the characteristics and risks of the biotechnology product—not the process by which it is created. Products developed through biotechnology processes do not *per se* pose risks to human health and the environment; risk depends instead on the characteristics and use of individual products. Where oversight is warranted, the extent and type of oversight measure(s) must be commensurate with the gravity and type of risk being addressed, must maximize the net benefits of oversight by choosing the oversight measure that achieves the greatest risk reduction benefit at the least cost, and must consider the effect that additional oversight could have on existing safety incentives.

The risk-based approach taken in this Final Statement on Scope is the same as the approach enunciated in the July 1990 Proposed Scope, which provided that "To the extent permitted by law, planned introductions into the environment * * * should not be subject to oversight * * * unless information concerning the risk posed by the introduction indicates that oversight is necessary." 55 FR at 31120. As detailed below, the Final Statement on Scope also retains the "criteria for evaluating risk" suggested in the Proposed Scope. The principal differences between today's Final Statement on Scope and the Proposed Scope are (i) the recognition that there are a variety of oversight measures that agencies might employ, not simply a binary choice between "oversight" and "no oversight," and therefore the provision that agencies choose from among the menu of measures those oversight measures that achieve risk reduction at net benefit and least cost; (ii) the removal of the examples of "categories for exclusion" in the Proposed Scope, because, as described below under "Implementation," those categories were not explained in the basis of risk and ignored the need for each agency to have the flexibility to fashion its implementation in the context of its statutory program. These differences are warranted in the interest of sound public policy, and reflect the numerous public

comments (summarized in the appendix) recommending such revisions.

IV. Implementation

A. Exercising Discretion Within the Scope of Statutory Authority

As described above, this Final Statement on Scope guides agencies' exercise of oversight within the scope of discretion provided by statute. Nothing in this document displaces agencies' duties under applicable statutes, nor does this document provide the basis for additional authority not available to agencies under applicable law. Rather, this document guides the exercise of discretion within the range of authority left to agencies under their statutes. Each agency will need to implement these guidelines in a manner appropriate to each statutory framework, and to exercise its oversight authority consistent with the risk-based principles of this Final Statement on Scope.

This Final Statement on Scope governs all oversight within the scope of agency discretion afforded by statute of planned introductions of biotechnology products into the environment. It does not relate only to new regulatory initiatives or new categories of organisms introduced into the environment. In addition, the term "planned introduction" as used here includes introductions in the course of research and in commercial and other applications. It is not limited to initial small-scale field trials.

In applying the risk-based approach there will of course be areas in which regulatory interventions are frequent, and areas in which such interventions are legally authorized but are less common because the industry operates safely and the occasions for regulation and enforcement are fewer. Such safety could be the result of longstanding industry practices, and of industry's pragmatic understanding that government intervention—whether through federal or state law or otherwise—would occur if safety rules were violated. Although federal oversight for such activities may be legally available, it may be observed that where an industry operates in a safe manner, little or no oversight is commonly exercised. One example of such a safe equilibrium may be traditional agriculture operating with safe organisms following accepted practices and precautions. This is consistent with recommendations made by the National Research Council in the publication, Field Testing Genetically Modified Organisms, 1989, p. 66.

B. Evaluating Risks

Products developed through biotechnology processes do not *per se* pose risks to human health and the environment; risk depends instead on the characteristics and use of individual products. Such determinations should be based on risk factors or criteria like the ones listed below pertaining to the organism's ecological niche, potential for gene exchange, ability to monitor and to mitigate persistence and spread and potential consequences of dissemination into the greater environment. These factors for evaluation of risk are largely derived form the work of the Ecological Society of America. (See J. Tiedje, R. Colwell, Y. Grossman, et al., 70 *Ecology* 298 (April 1989).)

For the Organism: Fitness; infectivity, virulence, pathogenicity, toxicity; host range; the type of substrate or resources utilized; the purity of the formulation; environmental limits to growth or reproduction (habitat, microhabitat); susceptibility to control by antibiotics, biocides, by substrate, or by mechanical means; whether and how introduced traits are expressed.

For the Target Environment: Selection pressure for the introduced trait; presence of wild, weedy or feral relatives within dispersal capability of the organism or its genes; presence of vectors or agents of dissemination or dispersal (e.g., mites, insects, rodents, birds, humans, machines, wind, water); direct involvement in basic ecosystem process (e.g., nutrients cycling); whether there are alternative hosts or partners (e.g., the organism is involved in symbiosis or mutualism); range of environments for testing or use in light of potential geographic range; effectiveness of confinement, monitoring and mitigation plans.

The scope principles do not dictate precisely how information on risk should be evaluated. Different ways of making the risk determination are possible. One means of judging the risk posed by an introduction is to compare its risk to an introduction of a comparable organism or biotechnology product previously used in introductions in a comparable target environment. An organism or other biotechnology product can be comparable to a previously used organism or product regardless of the process by which that organism has been modified or product produced. An introduction should be subject to no greater degree of oversight than was a comparable organism or product previously used in past safe introductions in a comparable target environment. Effective confinement techniques in appropriate cases can also reduce the potential risk of an introduction, and accordingly, the need for oversight.

Unreasonable risk is the threshold for exercising oversight within the scope of discretion afforded by statute. The term does not denote a fixed absolute number. Rather, a risk is "unreasonable" where the environmental benefits achieved by oversight measures to reduce the risk are greater than the social cost of those oversight measures. This definition enables, and requires, agencies to choose from among the range of oversight options those measures that obtain net benefits. Thus, a more demanding oversight option may be warranted when the risk reduction to be gained from government intervention is large. If the risk reduction to be gained is small, as will usually be the case with low-level risks, less costly oversight options will need to apply. As described above under "Rationale for Risk-Based Approach," this formulation ensures that oversight resources will be allocated to address priority risks. "If finite resources are expended on lower-priority problems at the expense of higher-priority risks, then society will face needlessly high risks." (US EPA, SAB, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection," Sept. 1990, Exec. Sum. (p. 2.) It should also be noted that "unreasonable risk" is already a criterion used by federal agencies, such as in exercising oversight under provisions of TSCA and FIFRA.

Of course, in some cases an agency may not have sufficient information to determine whether the introductions of organisms would pose unreasonable risk, and whether additional oversight therefore would be warranted. In cases in which an agency has reason to believe that introductions could pose risk but lacks adequate information to determine if that risk is unreasonable, agencies may need to collect information. Any information requests should be designed to maximize their benefits and minimize their costs by soliciting only the most useful information in the least costly manner.

Certain terms used to characterize risk evaluation in the Proposed Scope, 55 FR 31118, have been dropped because they were ambiguous and raised concerns among the public commenters. Several comments noted the confusing language and potential circularity of the term "similar organism" or "similar introduction." That usage has therefore been removed and, where appropriate, replaced by the more precise idea of an introduction posing comparable risk to a

previous introduction. The term "organism with deliberately modified hereditary traits" was intended to encompass any organism with changed hereditary traits, regardless of the technique or process used to effect the change. This term was intentionally broader than terms such as "genetically modified organism" which have come to imply a specific technique of genetic manipulation (namely, use of recombinant DNA methods). Yet, "deliberately modified hereditary traits" might not have encompassed exotic organisms introduced by humans into a vulnerable target environment. Thus, the term has been omitted and the focus is now placed on the risk of an introduction, not the genesis of the organism.

C. Assessing Oversight Options

Agencies have a wide variety of oversight options with which to fashion their oversight programs consistent with the risk-based approach enunciated here. The term "federal oversight" includes a range of possible Federal activities related to planned introductions: Issuance of suggested industry practices, development of guidelines for certain introductions, and requirements for notification, labelling, prior review or approval of certain introductions. This range of federal oversight activity might be undertaken by a Federal agency or by a local entity as directed by or under guidance from a Federal agency. It could involve, for example, a research institution establishing an "institutional safety committee" for review of certain planned introduction experiments.

This menu of oversight options means that agencies can choose oversight measures to be commensurate with the gravity and type of risk being addressed, and fashioned to maximize the net benefits to society and the environment, taking into account the costs of oversight.

In determining the risk reduction that may be achieved by a contemplated oversight measure, it is important to recognize that persons introducing biotechnology products into the environment often face other institutional incentives to ensure that such introductions are safe. Such existing safety incentives may include oversight already being exercised under another regulatory authority, state laws, and marketplace incentives for safety created by the interests of workers and consumers in obtaining products that are safe. Safety can also be promoted by generally accepted research practices, professional and industrial association standards, and other safety-oriented guidelines and procedures. It is important to take account of the interplay between the new oversight measure and the pre-existing incentive systems. In some circumstances the effect of a new oversight measure may complement existing safety incentives, but in others its effect may be dampened or undercut by its (unintended) displacement of existing safety incentives. For example, imposing new safety standards may in certain circumstances simply displace existing safety incentives provided by state law or by market price differentials for accepting risk. Agencies should account for these potential incentive effects in their calculation of the net benefits of potential oversight measures. Further, agencies should affirmatively design oversight measures to work in concert with pre-existing safety systems, such as by strengthening the information base on which marketplace incentives depend. In appropriate cases agencies might forgo additional oversight where existing incentives adequately address the risks posed.

D. Use of "Categories of Exclusion/ Inclusion"

1. Treatment of Former Exclusion Examples

The six examples of "categories for exclusion" provided in the Proposed Statement on Scope (55 FR at 31121) have been deleted from the Final Statement on Scope. As these examples were set forth without the context provided by the statutes under which regulations were to be implemented, no rationales were provided in the Proposed Scope relating them to risk. Thus, a certain amount of confusion arose concerning their relationship to risk. Indeed, several commenters suggested that the exclusions were inconsistent with a risk-based approach because they were "process-based." For instance, the first proposed exclusion category contained plants and animals that result from natural reproduction or the use of traditional breeding techniques. Traditional breeding activities, however, are typically of low or trivial risk because the plants and animals chosen for breeding by traditional agricultural breeders are typically of low or negligible risk in their applications and target environments, not because the techniques are themselves intrinsically safe. Because this Final Statement is to be a guidance document to the agencies, it is not meant to provide the risk rationales for these examples. Any agency that wishes to use any of these categories in the context of a specific statute would provide a rationale based on risk.

The five examples of categories for exclusion addressed only various aspects of the introduced organism, whereas the present Final Statement on Scope addresses the entire introduction, necessarily including the characteristics of the target environment and the particular application as well as the nature of the biotechnology product. The five examples for exclusion gave no insight into the critical issue of the potential interactions between an organism's traits and its ecological context. An organism may pose risk in one target environment but be relatively harmless, or beneficial, in another. It is fundamental that the present Final Statement on Scope requires oversight decisions to be made within the scope of discretion afforded by statute based on information about the organism or other product, the target environment and the type of application, not about the organism alone.

The simple binary choice between "oversight" and "no oversight," implied by the notion of a single scope with a single set of exclusions, does not accurately characterize the range of choices open to an agency within the scope of discretion afforded by statute. Oversight measures may include the option of no oversight, or no further oversight in cases where statutes require initial oversight, as well as a range of other measures.

A single list of "exclusions" (or, for that matter, "inclusions") cannot pragmatically be written to apply uniformly to all agencies and all statutes. The specific mechanisms of implementation of the risk-based principles will of course depend on the statute at issue, and accordingly no single list of "categories" can be promulgated for use by all agencies under all statutes. Agencies could, for instance, develop categorical risk-based exclusions from a statute's oversight net, such as where a statute begins by encompassing all of a certain set of activities and then exempts low-risk elements of that set. Or agencies could develop categorical risk-based inclusions in a statute's oversight net, such as where a statute attaches oversight only when an activity creates an unreasonable risk. Or agencies could employ a stratified hierarchy, providing several levels or types of oversight that correspond to levels of risk. The choice of these or other means will depend on the statute and the nature of the activity subject to oversight. Not every statute may be open to all of these options. Indeed, by listing specific "examples of

categories for exclusion," the Proposed Scope issued in July 1990 may have given the incorrect impression that some exclusion-oriented approach was mandatory for all agencies, or that the specific categories listed in that proposed document were mandatory, or that an extra burden of persuasion would be borne by agencies seeking to craft a different approach or set of exclusions; none of these was intended.

2. Developing Categories of Exclusion

The concept of categories for exclusion may nonetheless retain usefulness in appropriate statutory circumstances. Where a statute initially casts a wide net over a field of activity, the agency may retain or be delegated authority to exclude some subcategories of activity from oversight on the ground that the potential risks they pose are too low to justify oversight or that such risks are already adequately overseen by another agency.

For example, under TSCA, EPA must receive notice of all "new chemicals"; those that pose "unreasonable risk" are subject to further regulatory restrictions. But TSCA enables EPA to exclude products from review, in at least four ways. First, EPA may determine that certain products are not "new" and thus do not require premanufacturing notice to the agency. For instance, where small changes in genetic or molecular structure are involved, it may be a matter of judgment whether the product is "new." In exercising such judgment, the agency may determine that certain categories of products are not "new" under TSCA because they possess no "new" properties. Second, under TSCA section 5(h)(3), EPA may exclude microorganisms used in small quantities (defined by rule) for research and development. Third, the agency can decline to act during the 90-day period after a notice is filed. Unless the agency acts, after 90 days the product may be produced without further restriction. EPA could develop guidance to its TSCA program to decline action with respect to certain low-risk categories of introductions of organisms. Fourth, under TSCA 5(h)(4), the agency has the authority to exclude broad categories of products by rulemaking where those products do not pose "unreasonable risk." EPA could propose risk-based 5(h)(4) exclusions for certain categories of introductions, simultaneous with proposing any regulations applying TSCA to organisms.

Similarly, under FFDCA, no "food additive" may be marketed unless it is in compliance with an authorizing regulation promulgated by FDA. However, substances that are "generally recognized as safe," as defined in the statute, are excluded from the definition of "food additive," and therefore from the premarket clearance requirements. For organisms to be used as or to make food ingredients, FDA could describe the criteria by which it will determine the organisms or their products will fall into the "generally recognized as safe" exclusion, or will be subject to premarket regulation.

Thus, agencies exercising oversight pursuant to this document should consider employing risk-based exclusions. For example, an exclusion could be fashioned (if its risk basis is appropriately explained in the context of the particular oversight measure) for organisms whose introductions pose low or negligible risk, e.g. domesticated animal and crop varities used in agriculture.

3. Developing Categories of Inclusion

A different approach could be employed where a statute bases the exercise of oversight on risk and gives the agency the task of affirmatively identifying which particular activities out of a larger universe pose risks sufficient to justify oversight. Agencies could therefore develop risk-based categories of inclusion to define the area of oversight.

For example, the Federal Plant Pest Act governs the movement of plant pests regardless of the process by which the organisms were produced. The Act defines "plant pests" as any organisms "which can directly or indirectly injure or cause disease or damage in any plants or parts thereof * * *" In order to implement the Act, USDA has identified specific organisms with these properties and placed them on a published list. Movement or importation of organisms on the list requires an advance permission from the agency. The list is expanded as new plant pests are identified; also, items can be removed from the list when they are believed to no longer present a plant pest risk.

4. Developing Combined Approaches

In some areas, an agency might use both "exclusion" and "inclusion" approaches. It might identify categories of activities for inclusion on the ground that they pose a sufficient risk to justify oversight, and simultaneously exclude other activities on the ground that they do not present risk justifying oversight. Any activities not included in either category could be dealt with on a case-by-case basis, and perhaps addressed explicitly in categorical exclusions or inclusions at a later date. For example, the guidelines on recombinant DNA organisms developed by NIH use both approaches. An appendix to the guidelines list microorganisms on the basis of likely hazard, an example of the "inclusion" approach. The guidelines also specifically exclude certain organisms, such as *E. coli* K–12, *B. subtilis* and *Saccharomyces*. As another example, an agency might implement a statute requiring public disclosure of all hazardous introductions by explicitly excluding some trivial-risk activities from the duty to disclose, specifically including some categories of introductions that typically pose a potential hazard, and announcing criteria for deciding whether the remaining introductions are risky enough to require disclosure.

Finally, agencies could employ a "hierarchy" of oversight options to correspond to degrees and types of risk. Some statutes arm that agency with an array of oversight instruments to deploy as the circumstances warrant. In such cases, agencies must decide not only whether or not to exercise oversight but also the appropriate level and type of oversight when it is exercised. Agencies could develop categories of criteria for exercise of varying degrees of oversight, based on the degree of risk posed by an introduction, and the costs of oversight options. For example, oversight options might include: guidance on sound practices, simple notification to a local review committee, application for prior approval by a local review committee, notification to a federal agency, considered deference to another agency already overseeing such introduction, or application for prior approval by a federal agency. Or under its statutory authority an agency might impose (as a requirement of all introductions of a certain risk level or as a condition of prior approval in a specific case) disclosure of information, restrictions on a planned introduction, appropriate prophylactic measures (confinement or containment), or prohibition of certain kinds of activities. Other options could also be available under various statutory programs.

One example of such a hierarchical approach to the degree of oversight is contained in USDA's proposed guidelines for federally-funded researchers (56 FR 4134 (Feb. 1, 1991)). The guidelines calculate the likely risk of an introduction of a modified organism according to the likely risk to health and environment posed by introducing the parental strain, and the change in that risk (increase or decrease) effected by modification of the parental strain. For each of five risk levels, they suggest levels of confinement measures to be applied,

and degrees of review by a disinterested party (such as a local safety committee).

Appendix: Comments on Proposed Statement on Scope and Subsequent Policy Developments

Several important statements of government policy on risk and new technology have been published since July 1990. Because these policy guidelines have played a formative role in the development of the current Final Statement on Scope, they are excerpted briefly below. In addition, public comments on the Proposed Statement on Scope were received. The discussion in the present document relies on and refers to the concepts and recommendations contained in these policy guidelines and the views expressed in the public comment letters. The items below are presented in chronological order.

1. President's Principles of Regulatory Review

In August 1990 President Bush approved Four Principles of Regulatory Review for Biotechnology, as follows:

(1) Federal government regulatory oversight should focus on the characteristics and risks of the biotechnology product—not the process by which it is created.

Products developed through biotechnology processes do not *per se* pose risks to human health and the environment; risk depends instead on the characteristics and use of individual products. Biotechnology products that pose little or no risk should not be subject to unnecessary regulatory review during testing and commercialization. This allows agencies to concentrate resources in areas that may pose substantial risks and leaves relatively unfettered the development of biotechnology products posing little or no risk.

(2) For biotechnology products that require review, regulatory review should be designed to minimize regulatory burden while assuring protection of public health and welfare.

Expedited review procedures should be adopted for products likely to pose lesser risk. The jurisdiction of the several regulatory agencies should be clarified to avoid unnecessary confusion and delay and agencies should use the same standards and apply them consistently. This is especially important where a product could be regulated by several agencies. For example, pest-resistant plants may be subject to regulation by both the Environmental Protection Agency (for pesticidal properties) and by the Food and Drug Administration (for food safety).

(3) Regulatory programs should be designed to accommodate the rapid advances in biotechnology. Performance-based standards are, therefore, generally preferred over design standards.

A performance standard sets the ends or goals to be achieved, rather than specifying the means to achieve it (e.g., through a design standard). This provides firms and researchers with flexibility in choosing the best means of compliance. A performance-based standard for containment, for example, would permit alternative biological approaches for assuring containment in place of a design-based standard requiring specific physical barriers.

The adoption of performance criteria in developing regulations reduces the need to rely on a lengthy and contentious regulatory process to revise regulations. Such unwieldly regulatory procedures inevitably inhibit the changes in regulatory structure needed to accommodate advances in science knowledge. Procedures should be adopted to provide agency decision-makers with up-to-date scientific opinion and knowledge—for example, through the use of science advisory panels.

(4) In order to create opportunities for the application of innovative new biotechnology products, all regulation in environmental and health areas—whether or not they address biotechnology—should use performance standards rather than specifying rigid controls or specific designs for compliance.

"Design-based" requirements may preclude use of biotechnology products even when such approaches may be both less costly and more effective. For example, a requirement to employ specific pollution control equipment would prevent use of innovative biotechnology pollution remediation or control techniques.

2. EPA Report on Risk Priorities

In September 1990 the U.S. Environmental Protection Agency's Science Advisory Board released its report, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection." The report stated (Exec. Sum. p. 2):

> There are heavy costs involved if society fails to set environmental priorities based on risk. If finite resources are expended on lower-priority problems at the expense of higher-priority risks, then society will face needlessly high risks.

Setting regulatory policy based on the process used to modify an organism rather than on the relative risk of its introduction, or based on type of technology (e.g., biotechnology verses other technologies) rather than the relative risk of an activity, would be inconsistent with this risk-based approach; it would misallocate oversight resources and thereby burden low-risk activities while exposing society to higher-risk activities.

3. Summary of Public Comments on the Proposed Statement on Scope

By October 1990, the deadline for submissions, forty-four letters of comment on the OSTP Proposed Statement on Scope (55 FR 31118 (July 1, 1990)) were received. The following is a brief summary of these comments.

(A) Overview

- The general response to the "Scope Document" and the Administration's effort to define a common approach to oversight of planned introductions was positive.
- Commentators strongly supported those principles outlined in the body of the document which emphasized a risk-based approach to regulation.
- The majority of criticisms focused on the "Examples of Potential Exclusion Categories" while other comments related to ensuring implementation of the principles through the regulatory process. Particular words or phrases were cited as vague or otherwise problematic.

(B) Specific Issues

(i) Risk-based Approach

- Thirty-two letters specifically noted the wisdom of a risk-based approach, particularly if the level of oversight is commensurate with the degree of potential risk.
- The "Criteria for Evaluating Risk" were deemed adequate and appropriate in that they focused on characteristics of the organism and the environment into which it is being released, rather than on the process by which the organism is produced.
- Several respondents stated that there is a sufficient body of scientific experience to support risk evaluation as a means for determining need for oversight.

(ii) Examples of Potential Exclusion Categories

- Several respondents supported the use of categories of introductions that could be excluded from oversight as a move away from case-by-case regulatory review.

• The most frequent objection to the exclusion categories (10 letters) was that categories 1–5 were process-based, in contradiction with the principles contained in the body of the document. Thus, several respondents proposed deleting the "Examples of Potential Exclusion Categories."

• At least 3 commenters opposed any regulatory scheme that did not include *all* of the exclusion categories on the premise that current regulatory inconsistencies and confusion would be retained otherwise.

• Five commenters proposed employing category 6 as the cornerstone for federal policy on exemptions.

• It was pointed out that many organisms produced using methods described in categories 1–5 would be subsumed under category 6 if the resulting product posed no greater risk to the target environment than the parental organism.

• Evidence was offered that organisms produced via methods proposed for possible exclusion under exclusion categories 1–5 may still pose health or environmental hazards and, thus, should not be exempted.

• One commenter felt that category 2 should be modified to cover only those exchanges "known to occur in nature" and another suggested adding viruses.

• There was a proposal to add "organisms resulting from mutagenesis by transposable elements" to category 5.

• A new category was proposed comprised of organisms developed using recombinant techniques (such as PCR, *in vitro* mugagenesis, homologous recombination, or other self-cloning methods) which result in phenotypes identical to those obtainable through traditional techniques.

• One letter suggested adding three organisms to the exempt list indicating interest in a process similar to that used by the National Institutes of Health (NIH) whereby conditions under which certain experiments may be performed are considered by petition to the Recombinant DNA Advisory Committee.

(iii) Implementation

• A recurring theme was the need for consistent implementation across agencies. It was suggested that OSTP remain visible and involved in order to ensure interagency consistency.

• Three letters noted the past delays in proposing agency regulations and encouraged rapid implementation of the "Scope Document."

• Four commenters predicted that it would be difficult or impossible to implement this scheme because it was not clear who was responsible for determining the need for oversight.

• Local Industrial Biosafety Committees (IBCs) or similar institutions were proposed as a venue for determination of risk and need for further oversight.

• Two commentators suggested that notification be deleted from the description of oversight methods in order to allow for categories of exemption from other, more burdensome forms of oversight.

• Several respondents stated that a system of licenses or permits was not appropriate for research activities.

(iv) Definitions

• The most problematic word was "similar" when used to describe the situation in which "the level of risk of an introduction is the same as or less than a previous safe introduction." Suggested alternative language in 3 letters was "comparable to or less than."

• Two letters questioned the adoption of the term "modified hereditary traits" as opposed to "genetically modified organisms," which implies that modified traits are heritable, regardless of how the modification was achieved.

• There was a question as to whether or not contained field tests would be included under "planned introductions into the environment."

(v) Additional Issues

• Four respondents proposed alternate schemes, three of which involved the development of lists of exempt organisms or introductions. Suggested criteria for inclusion on such a list were "familiarity" or inclusion on the list currently maintained by CDC and NIH.

• OSTP was reminded that this document will play an important role in international negotiations and product export.

4. Report on National Biotechnology Policy

In February 1991, the President's Council on Competitiveness published the Report on National Biotechnology Policy. The Report describes the Administration's policy on biotechnology regulations (p. 11)

In biotechnology, as in many other high technology industries, Federal regulation is a critical determinant of the time and cost to bring a product to market. In serving as "gatekeepers" for the development and use of new products, regulatory agencies may create substantial barriers to product development. These barriers result from the costs of testing to meet regulatory requirements, the potential for delay in regulatory approval, and the uncertainty associated with the possible imposition of extensive restrictions or outright disapproval of new biotechnology research or products. In addition, uncertainty related to the extent or effectiveness of Federal regulation may lead to the enactment of a patchwork of conflicting and burdensome state regulations. Delay, cost, and regulatory uncertainty discourage new research in regulated areas and curtail the development of new products, as well as undermine public confidence.

In general, to avoid unnecessary burdens on biotechnology, the Administration has sought to eliminate unneeded regulatory burdens for all phases of the development of new biotechnology products—laboratory and field experiments, products development, and eventual sale and use. Existing regulatory structures for plants, animals, pharmaceuticals, chemicals and toxic substances provide an adequate framework for regulation of biotechnology in those limited instances where private markets fail to provide adequate incentives to avoid unreasonable risks to health and the environment. In these instances, regulation also can help shield industry from avoidable incidents that could tarnish its image and impair its development.

5. Competitiveness Council Fact Sheet on Critical Technologies

In April 1991 the President's Council on Competitiveness issued a Fact Sheet concurrently with the OSTP publication of the Report of the National Critical Technologies Panel. The Fact Sheet stated:

Because technological innovation holds the promise of providing new and better ways to meet the very objectives of particular health, safety, or environmental regulations, those regulations that discourage or penalize innovation are self-perpetuating burdens of American industry.

While appropriate regulation in response to market failures can serve valuable social and economic functions, it may also impose significant costs that particularly affect the ability and incentive of firms to develop new high technology products. Some regulatory regimes are no longer appropriate to new technologies, while others were developed without adequate consideration of the burdens placed on international competition, and many regulations explicitly impose greater burdens on new facilities and products.

Regulation inhibits innovation most when the regulatory agency takes on the task of specifying which technologies or designs industry must employ. Further, once a technology is enshrined in regulation, firms have little incentive to invest in better techniques.

The following principles were offered to minimize disincentives to innovation:

• Regulations should be issued only on evidence that their potential benefits exceed their potential costs. Regulatory objectives, and the methods for achieving these objectives, should be chosen to maximize the net benefits to society.

• Regulations that seek to reduce health or safety risks should be based upon scientific risk-assessment procedures, and should address risks that are real and significant rather than hypothetical or remote.

• Voluntary private standards and disclosure should be relied on where possible instead of inflexible regulation.

• Health, safety and environmental regulations should address ends rather than means. They should employ performance-based incentives that harness the creativity of market actors to design and continually innovate better ways of reducing excess risks. They should not specify technologies or designs that firms must employ.

• Licensing and permitting decisions and review of new products should be made swiftly and should be based on standards that are clearly defined in advance.

[FR Doc. 92–4603 Filed 2–26–92; 8:45am]
BILLING CODE 6560–50–M

Meeting of the President's Council of Advisors on Science and Technology

The President's Council of Advisors on Science and Technology will meet on March 5–6, 1992. The meeting will begin at 9 a.m. on Thursday, March 5, 1992 in the Conference Room, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC. The meeting will conclude at approximately 12 noon on Friday, March 6, 1992.

The purpose of the Council is to advise the President on matters involving science and technology.

Proposed Agenda

1. Briefing of the Council on the current activities of the Office of Science and Technology Policy.
2. Briefing of the Council on current federal activities and policies in science and technology.
3. Discussion of progress of working group panels.

Portions of the March 5–6 meeting will be closed to the public.

A portion of the briefings on current federal activities and policies in science and technology will require discussion of budget preparation procedures of the Executive Office of the President and other federal agencies which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. Also, a portion of the discussion of panel progress will necessitate discussion of information which is formally classified in the interest of national security. Accordingly, these portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(1), (2), and (9)(B).

Because of the security requirements, persons wishing to attend the open portion of the meeting should contact Ms. Ann Barnett (202) 395–4692, prior to 3 p.m. on March 4, 1992. Ms. Barnett is available to provide specific information regarding time, place, and agenda.

Dated: February 20, 1992.

Damar W. Hawkins,

Executive Assistant, Office of Science and Technology Policy.

[FR Doc. 92–4485 Filed 2–26–92; 8:45 am]
BILLING CODE 3170–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 1577]

Extension of the Restriction on the Use of the United States Passport for Travel to, in, or Through Iraq

On February 1, 1991, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73 (a)(2) and (a)(3), all United States passports, with the following exceptions, were declared invalid for travel to, in, or through Iraq and Kuwait unless specifically validated for such travel. The restriction was not applicable to those American citizens then residing in Iraq and Kuwait nor to American professional reporters and journalists on assignment there. The restriction was required by the fact that armed hostilities then were taking place in Iraq and Kuwait, and the safety of any American citizens travelling to those countries no longer could be guaranteed.

With cessation of armed hostilities, the restrictions on use of the United States passport for travel to, in, or through Kuwait was revoked on March 6, 1991. The restriction on use of the passport for travel to, in, or through Iraq was continued because the Secretary concluded that conditions in that country continued to present an imminent danger to the public health or physical safety of American citizens.

Although armed hostilities have ended, the Government of Iraq continues to direct hostile acts against United States citizens and nationals. There have been numerous incidents over the past year in which American citizens, including some who entered Iraq inadvertently, were detained by Iraqi authorities for extended periods of time without notification to the U.S. Interest Section of the Polish Embassy in Baghdad. Several of these Americans were subjected to harsh and inhumane treatment during their detention.

In light of these circumstances, I have determined that Iraq continues to be a country "* * * where there is imminent danger to the public health or physical safety of United States travelers."

Accordingly, United States passports shall be invalid for use in travel to, in, or through Iraq unless specifically validated for such travel under the authority of the Secretary of State. The restriction shall not apply to American citizens who were residing in Iraq on February 1, 1991 who continue to reside there nor to American professional reporters and journalists on assignment there.

The Public Notice shall be effective upon publication in the **Federal Register** and shall expire at the end of one year unless sooner extended or revoked by Public Notice.

Dated: February 18, 1992.

Lawrence S. Eagleburger,

Acting Secretary of State.

[FR Doc. 92–4494 Filed 2–26–92; 8:45 am]
BILLING CODE 4710–10–M

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

National Advisory Board Meeting

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app., announcement is hereby published for a meeting of the National Advisory Board The meeting is open to the public. Please note that elsewhere in this issue of the **Federal Register** is a meeting notice for the newly established National Housing Advisory Board which will meet in the afternoon following the National Advisory Board meeting.

DATES: The meeting is scheduled for Wednesday, March 11, 9 a.m. to 12 noon.

ADDRESSES: The meeting will be held at the Federal Deposit Insurance Corporation, Board Room, 6th floor, 550 17th Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jill Nevius, Committee Management Officer, Thrift Depositor Protection Oversight Board, 1777 F Street, NW., Washington, DC 20232, 202/786–9675.

SUPPLEMENTARY INFORMATION: Pursuant to section 21A(d) of the Federal Home Loan Bank Act, the Thrift Depositor

Protection Oversight Board had established a National Advisory Board and six Regional Advisory Board to advise the Oversight Board and the RTC on the disposition of real property assets of the Corporation.

Agenda

A detailed agenda will be available at the meeting. There will be briefings from the chairman of the six regional advisory boards on their regional meetings held throughout the country between February 5 and February 27, 1992. Discussion will focus on the key topics from the meetings: hard-to-sell asset sales strategies, affordable housing disposition, and the RTC REOMS system.

Statements

Interested persons may submit in writing data, information, or views on the issues pending before the National Advisory Board prior to or at the meeting. The meeting is open to the public. Seating is available on a first come first served basis.

Dated: February 24, 1992.

Jill Nevius,

Committee Management Officer.

[FR Doc. 92-4526 Filed 2-26-92; 8:45 am]

BILLING CODE 2222-01-M

National Housing Advisory Board Meeting

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Meeting notice.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act 5 U.S.C. app., announcement is hereby published for the first meeting of the newly established National Housing Advisory Board. The meeting is open to the public. Please note that elsewhere in this issue of the Federal Register is a meeting notice for the National Advisory Board which will meet the morning prior to the National Housing Advisory Board meeting.

DATES: The meeting is scheduled for Wednesday, March 11, 1 to 3 p.m.

ADDRESSES: The meeting will be held at the Federal Deposit Insurance Corporation, Board Room, 6th floor, 550 17th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jill Nevius, Committee Management Officer, Thrift Depositor Protection Oversight Board, 1777 F Street NW., Washington, DC 20232, 202/786-9675.

SUPPLEMENTARY INFORMATION: In accordance with section 21A(d)(2) of the Federal Home Loan Bank Act, as amended by the Resolution Trust Corporation Thrift Depositor Protection Reform Act of 1991, the Thrift Depositor Protection Oversight Board has established a National Housing Advisory Board to advise the Oversight Board on policies and programs related to the provision of affordable housing. The National Housing Advisory Board consists of the Secretary of the Housing and Urban Development and the chairmen of the regional advisory boards established under section 21A(d)(3) of the Federal Home Loan Bank Act. The charter for the National Housing Advisory Board was filed on February 20, 1992.

Agenda

A detailed agenda will be available at the meeting. There will be briefings from the chairman of the Board, from the chairmen of the six regional advisory boards, and on the RTC's affordable housing program. Discussions will focus on single-family and multi-family housing dispositions.

Statements

Interested persons may submit in writing data, information, or views on the issues pending before the National Advisory Board prior to or at the meeting. The meeting is open to the public. Seating is available on a first come first served basis.

Dated: February 24, 1992.

Jill Nevius,

Committee Management Officer.

[FR Doc. 92-4527 Filed 2-26-92; 8:45 am]

BILLING CODE 2222-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 21-RUP; Detecting and Reporting Suspected Unapproved Parts

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability for public comment of proposed Advisory Circular (AC) 21-RUP, Detecting and Reporting Suspected Unapproved Parts. The proposed AC provides information and guidance to the aviation community for detecting and reporting suspected unapproved aircraft parts, and includes procedures for referral of such reports to the appropriate FAA office. This AC provides a standardized method of reporting suspected unapproved parts to the FAA.

DATES: Comments submitted must identify the proposed AC File Number PO-220-0300, and be received by May 27, 1992.

ADDRESSES: Copies of the proposed AC 21-RUP can be obtained from and comments may be returned to the following: Federal Aviation Administration, Production Certification Branch, AIR-220, Aircraft Manufacturing Division, Aircraft Certification Service, 800 Independence Avenue, SW., Washington, DC, 20591.

FOR FURTHER INFORMATION CONTACT: David W. Broughton, Federal Aviation Administration, Production Certification Branch, AIR-220, Aircraft Manufacturing Division, Aircraft Certification Service, 800 Independence Avenue, SW., Washington, DC, 20591, (202) 267-9575.

SUPPLEMENTARY INFORMATION:

Background

Reports of suspected unapproved parts may originate from various sources such as: audits, facility surveillance, letters or telephone calls from the general public, Congressional inquiries, accident or incident investigations, service difficulties or from the Government Industry Data Exchange Program (GIDEP). Concerns have been raised with reports of unapproved parts offered for sale for use on type certificated aircraft or related products. Therefore, this AC is being issued to provide guidance for detecting and reporting suspected unapproved parts. Additionally, this AC contains guidance for the aviation industry to enhance their current quality control system relating to the detection of unapproved parts.

Comments Invited

Interested persons are invited to comment on the proposed AC 21-RUP by submitting such written data, views, or arguments as they desire to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director, Aircraft Certification Service, before issuing the final AC.

Comments received on the proposed AC 21-RUP may be examined before and after the comment closing date at the Federal Aviation Administration Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC, 20591, weekdays between 8:30 a.m. and 4:30 p.m.

Issued in Washington, DC, on February 10, 1992.

Ronald T. Wojnar,

Manager, Aircraft Manufacturing Division.

[FR Doc. 92-4477 Filed 2-26-92; 8:45 am]

BILLING CODE 4910-13-M

Aviation Security Advisory Committee, Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of Aviation Security Advisory Committee Meeting.

SUMMARY: Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

DATES: The meeting will be held March 13, 1992, from 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Office of the Assistant Administrator for Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-9863.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; U.S.C. App. II), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held March 13, 1992, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The agenda for the meeting will include reports from subcommittee chairs on actions that have occurred since the December 6, 1991, committee meeting and an update on various domestic security programs including criminal records checks and air carrier contingency planning. A discussion on the affect of the moratorium on new regulations is also planned. Additionally, there will be a presentation on the latest technologies being reviewed in the aviation research and development area. Attendance at the March 13, 1992, meeting is open to the public but limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time.

Person wishing to present statements or obtain information should contact the Office of the Assistant Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-9863.

Issued in Washington, DC on February 21, 1992.

Jack L. Gregory,

Deputy Assistant Administrator for Civil Aviation Security.

[FR Doc. 92-4478 Filed 2-26-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: AK

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in the southcentral region of Alaska.

FOR FURTHER INFORMATION CONTACT: Steven Moreno, Field Operations Engineer, Federal Highway Administration, P.O. box 21648, Juneau, Alaska, 99802-1648, Telephone (907) 586-7428; and Stephen C. Sisk, P.E., Director Alaska Department of Transportation and Public Facilities, Division of Design and Construction, Northern Region, 2301 Peger Road, Fairbanks, Alaska, 99709-5316, Telephone (907) 451-2214.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Alaska Department of Transportation and Public Facilities (ADOT&PF), will prepare an Environmental Impact Statement (EIS) on a proposal to construct a highway between the City of Cordova and the State of Alaska's contiguous highway system. The project is considered necessary to provide overland access to the city of Cordova and the Cooper River Valley. The new highway would be constructed to federal standards and range in length between 63 and 165 miles depending upon the location selected.

Alternatives under consideration include: (1) No-action, (2) various build alternatives, and (3) includes four alternative locations achieving a link with the existing highway system. Three of these locations would begin at the Million Dollar Bridge (Milepost (MP) 49 of the Cooper River Highway) and extend north in the vicinity of the historic Cooper river and Northwestern Railway (CR&NWR) alignment. These include: (a) A Tasnuna River route departing the CR&NWR alignment at MP 82 and following the Tasnuna Valley west for approximately 31 miles to a tie-in with the Richardson Highway at MP 22.5; (b) a Tiekel River route departing the CR&NWR alignment at MP 101 and following the Tiekel River valley west to a tie-in with the Richardson Highway near MP 46; and (c) a Wood Canyon route generally following the CR&NWR alignment north to Chitina (MP 130.6) intersecting the Edgerton Highway approximately 30 miles east of MP 94.1 on the Richardson Highway. The fourth location begins at Cordova and follows a coastal route northwest toward Valdez to a tie-in with the Richardson Highway near MP 3. This alternative varies in length from approximately 63 miles to 165 miles depending on the extent of tunneling considered.

Letters, describing the proposed action and soliciting input will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. Scoping activities will include meetings with the aforementioned agencies at a location convenient for the agencies. Public meetings will be held in potentially affected communities, including Cordova, Valdez, Chitina, Cooper Centers, Fairbanks and Anchorage. In addition, Public Hearings following publication of the Draft EIS will be held. Public notice will be given of the time and place of the meetings and hearings. The Draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program)

Issued on: February 20, 1992.

Robert E. Ruby,

Division Administrator, Juneau.

[FR Doc. 92-4489 Filed 2-26-92; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: City of Roanoke; Roanoke, Bedford and Botetourt Counties, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of the notice of intent.

SUMMARY: This notice rescinds the previous notice of intent issued on November 4, 1987, to prepare an environmental impact statement for a proposed highway project to serve as an eastern bypass of Roanoke, Virginia, from I–81 (northern terminus) to Route 220 (southern terminus).

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Welton, District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia, 23240–0045, Telephone (804) 771–2682.

SUPPLEMENTARY INFORMATION: The Draft Environmental Impact Statement (DEIS) has been completed and the Location Public Hearing was held on November 21, 1991. As a result of strong public opposition to this proposal, the Virginia Commonwealth Transportation Board has stopped all work on this project and has chosen not to pursue the study any further.

Issued on: February 19, 1992.

Robert B. Welton,

District Engineer, Richmond, Virginia.

[FR Doc. 92–4423 Filed 2–26–92; 8:45 am]

BILLING CODE 4910–22–M

Federal Transit Administration

Announcement of Discretionary Grants To Support Advanced Transportation Systems and Electric Vehicles Research and Development; Solicitation of Program Proposals

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice.

SUMMARY: The FTA announces a discretionary grant program to support advanced transportation systems and electric vehicle research and development and solicits applications from eligible consortia interested in participating in the program.

DATE: Proposals shall be received on or before May 27, 1992.

ADDRESSES: Proposals shall be submitted to Steven A. Barsony, Director, Office of Engineering (TTS–20), Federal Transit Administration, 400 Seventh Street, SW., room 6431, Washington, DC 20590 and shall reference ATS/EV R&D.

FOR FURTHER INFORMATION CONTACT: Shang Hsiung, Office of Engineering (TTS–21), at (202) 366–0241.

SUPPLEMENTARY INFORMATION:

Background and Objectives

On December 18, 1991, the President signed the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240) providing authorizations for highways, highway safety, and mass transportation for the next six years. The purpose of the Act, as stated in its policy statement is "to develop a national Intermodal Transportation System that is economically efficient, environmentally sound, provides the foundation for the Nation to compete in the global economy and will move people and goods in an energy efficient manner."

Title VI, part C of the Act establishes a grant program for Advanced Transportation Systems and Electric Vehicles research and development. One objective of this program is to examine new technologies to bring new approaches in providing 21st Century transportation. Another short term objective is to explore approaches to meet current and imminent air quality and energy security goals.

Under this program, grants will be awarded to at least three consortia that must provide services for advancing the development of advanced transportation systems or electric vehicles. Approximately $12 million is available in FY 1992 under this program. No one eligible consortium may receive more than one third of the funds made available for grants. If fewer than three complete applications from eligible consortia have been received in time to permit the awarding of grants, the deadlines for the submission of applications and the awarding of grants may be extended.

The term *advanced transportation* means a system of mass transportation, such as an electric trolley bus or alternative fuels bus, which employs advanced technology such as light weight materials in order to function cleanly and efficiently. The term "electric vehicle" means a passenger vehicle, such as a van, primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current, and that may include a nonelectrical source of supplemental power.

Eligibility Requirements

An eligible consortium means a consortium of: businesses incorporated in the United States; public or private educational or research organizations located in the United States; entities of State or local governments in the United States; or Federal laboratories.

An eligible consortium shall: (1) Be organized for the purpose of designing and developing electric vehicles and advanced transportation systems, related systems or equipment, or for the purpose of enabling serial production processes;

(2) Facilitate the participation in the consortium of small and medium-size businesses in conjunction with large established manufacturers, as appropriate;

(3) To the extend practicable, include participation in the consortium of defense and aerospace suppliers and manufacturers;

(4) To the extent practicable, include participation in the consortium of entities located in areas designated as non-attainment areas under the Clean Air Act;

(5) Be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes stated in paragraph (1); and

(6) Ensure that at least 50 percent of the costs of the consortium be provided by non-Federal sources.

Services to be performed by an eligible consortium shall include:

(1) Obtaining funding for the acquisition of plant sites, conversion of plant facilities, and acquisition of equipment for the development or manufacture of advanced transportation systems or electric vehicles, or other related systems or equipment, especially for environmentally benign and cost-effective manufacturing processes;

(2) Obtaining low-cost, long-term loans or investments for the purposes described in paragraph (1);

(3) Recruiting and training individuals for electric vehicle and transit related technical design, manufacture, conversion, and maintenance;

(4) Conducting marketing surveys for services provided by the consortium;

(5) Creating electronic access to an inventory of industry suppliers and serving as a clearinghouse for such information;

(6) Consulting with respect to applicable or proposed Federal motor vehicle safety standards;

(7) Creating access to computer architecture needed to stimulate crash testing and to design internal subsystems and related infrastructure for electric vehicles and advanced transportation systems to meet applicable standards; and

(8) Creating access to computer protocols that are compatible with

larger manufacturers' systems to enable small and medium-sized suppliers to compete for contracts for advanced transportation systems and electric vehicles and other related systems and equipment.

Application Procedure

Each consortium shall submit one original and five copies of its proposal to: Steven A. Barsony, Director, Office of Engineering, Federal Transit Administration, 400 Seventh Street, SW., room 6431, Washington, DC 20590, Mail code: TTS–20. Only complete proposals received on or before May 27, 1992 shall be considered. The proposals shall reference ATS/EV R&D.

Proposal Contents

A proposal submitted shall include:
(A) A description of the services to be performed by the consortium including a discussion of how the proposed efforts relate to past or on-going activities, a proposed schedule of performance, a proposed budget, and proposed management plan;
(B) A description of the eligible consortium making the proposal;
(C) A description of the type of additional members targeted for inclusion in the consortium;
(D) A description of the eligible consortium's ability to contribute significantly to the development of vehicles, transportation systems or related subsystems and equipment, that are competitive in the commercial market and its ability to enable serial production processes;
(E) A description of the eligible consortium's financing scheme and business plan, including any projected contributions of State and local governments and other parties;
(F) Assurances, by letter of credit or other acceptable means, that the eligible consortium is able to meet the requirement that at least 50 percent of the costs of the consortium be provided by non-Federal sources.
(G) Documentation of technical capability and previous experience.

Proposals should be under 100 pages. Glossy or elaborate proposals are not required. The proposals should contain at a minimum the following sections:
(1) Technical approach;
(2) Management approach;
(3) Consortium members and key personnel, including a description of the related experience of each consortium member and key personnel in the proposed approach; and
(4) Cost, including a breakdown of the proposed FTA and consortium share of the estimated cost.

Proposal Review Process and Criteria

Initially, all proposals will be reviewed to confirm that the proposer is an eligible consortium and to ensure that the proposal contains all the information required by the Proposal contents section of this notice.

Each complete proposal from an eligible consortium will then be evaluated by a Technical Evaluation Committee. Proposals will be rated in accordance with the following criteria listed in descending order:

(1) Ability of proposed work effort to advance the development of electric vehicles or advanced transportation systems, or related subsystems and equipment, that are competitive in the commercial market and its ability to enable serial production processes.
(2) Cost-effectiveness of proposed work effort and financing plan including the commitment of non-Federal sources of funding and the assurance of the availability of such funds.
(3) Ability of proposed work effort to significantly enhance the capability of existing domestic manufacturing industries and energy suppliers to supply electric vehicles or advanced transportation systems and the necessary infrastructure to support electric vehicles or advanced transportation systems that may be required to meet Federal and local air quality standards.
(4) Composition of consortium and its management commitment and technical capability to successfully conduct and administer the proposed work effort.
(5) Qualifications of proposed key personnel to carry out the proposed work effort.

The Technical Evaluation Committee will forward its evaluation to the Administrator upon completion of its review. The final decision on the election of proposals for funding will be made by the Administrator.

Issued On: February 21, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92–4457 Filed 2–26–92; 8:45 am]
BILLING CODE 4910–57–M

National Highway Traffic Safety Administration

[Docket No. 92–08, NO. 1]

Uniroyal Goodrich; Receipt of Petition for Determination of Inconsequential Noncompliance

Michelin Technical Services, Inc. of Greenville, South Carolina, on behalf of Uniroyal Goodrich Tire Company of Akron, Ohio, has determined that some tires fail to comply with 49 CFR 571.119, "New Pneumatic Tires For Vehicles Other Than Passenger Cars." and has filed an appropriate report pursuant to 49 CFR part 573. Michelin has also petitioned that Uniroyal Goodrich be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

Michelin determined that 2,177 Uniroyal LT 245/75R16 LRC Laredo LTL raised white letter tires were marked with the incorrect maximum load rating, inflation pressure and ply rating markings on the inside sidewall. The inside sidewall was marked as follows:

Load Range E—Max. load single—1380 Kg (3042 pounds) at 550 Kpa (80 psi) cold
Max. load dual—1260 Kg (2778 pounds) at 550 Kpa (80 psi) cold

The correct marking is as follows:

Load Range C—Max load single—1000 kg (2205 pounds) at 350 kpa (50 psi) cold
Max load dual—910 kg (2006 pounds) at 350 kpa (50 psi) cold

Michelin supports its petition with the following:

1. The load range appears twice on both sidewalls, in small letters near the load and inflation pressure markings and in larger letters near the tire size designation. Only the load range marking in small letters on the inside sidewall is in error. The larger marking, which is more likely to be used is correct.

2. The tires mounted on the GMC trucks are correctly marked on the raised white letter side which faces outwards. It is unlikely that anyone would refer to the information on the inside sidewall while the tire is mounted. Furthermore, the consumer is directed by the vehicle owner's manual to refer to the tire placard in the vehicle for correct loading and tire inflation information.

3. The tires sold as replacement tires have the correct information on the paper label affixed to the tread which is the primary source of information before a tire is mounted. Since raised white letters are a feature that a customer pays a premium for it is unlikely that these tires would be mounted with blackball out, so once again, the

information facing outwards would be correct.

Michelin tested two of the noncompliant tires to the strength and endurance requirements of FMVSS No. 119. The tires were tested at the higher load range E load and inflation pressure and exceeded all the test requirements, according to Michelin. The test results are:

Endurance: Tire No. 1 was tested for the required 47 hours and then run to destruction which occurred at 86.8 hours, which is 84 percent beyond the test requirement.

Tire No. 2 was tested for the required 47 hours then run to destruction which occurred at 84.2 hours which is 80 percent beyond the test requirement.

Strength: The required minimum static breaking energy for load range E is 5,100 inch-pounds. Tire No. 1 averaged 5,985 inch-pounds, while Tire No. 2 averaged 6,119 inch-pound. Michelin believes the test results demonstrate that even in the highly unlikely event the tires were run at the conditions indicated by the incorrect marking, they would not present a safety problem.

Interested persons are invited to submit written data, views and arguments on the petition of Michelin, described above. Comments should refer to the Docket Number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC., 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 30, 1992.

Authority: 15 U.S.C. 1417; delegation of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on February 21, 1992.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 92-4479 Filed 2-26-92; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

[Docket No. WPDA-1]

The City of New York's Application for a Waiver of Preemption Determination Concerning New York City Fire Department Regulations Governing Pickup/Delivery Transportation of Flammable and Combustible Liquids and Flammable and Compressed Gases

AGENCY: Research and Special Programs Administration, (RSPA), DOT.

ACTION: Public notice of reopening of rebuttal comment period.

SUMMARY: The City of New York has applied for an administrative determination waiving preemption, under the Hazardous Materials Transportation Act (HMTA), of certain provisions of New York City Fire Department directives. Those regulatory provisions concern the transportation of flammable and combustible liquids and flammable and compressed gasses for pickup or delivery within New York City. This notice reopens the rebuttal comment period on the City's application.

DATES: Rebuttal comments received on or before March 13, 1992, will be considered before an administrative ruling is issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Program Administration. These rebuttal comments may discuss only those issues raised by comments and rebuttal comments received and docketed prior to publication of this notice and may not discuss new issues.

ADDRESSES: The application and any comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, room 8421, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590-0001. Rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (WPDA-1). Three copies are requested. A copy of each rebuttal comment must also be sent to Grace Goodman, Esq., Asst. Corporation Counsel, Law Department, The City of New York, 100 Church Street, room 6F41, New York, NY 10007; John J. Collins, Esq., ATA Litigation Center, American Trucking Associations, 2200 Mill Road, 6th Floor, Alexandria, VA 22314; and Timothy L. Harker, Esq., The Harker Firm, 5301 Wisconsin Ave., NW., suite 740 Washington, DC 20015.

A certification that a copy has been sent to each person must also be included with the comment. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Ms. Goodman and Messrs. Collins and Harker at the addresses specified in the Federal Register.")

FOR FURTHER INFORMATION CONTACT: Edward H. Bonekemper, III, Assistant Chief Counsel for Hazardous Materials Safety, Office of the Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, telephone number 202-366-4400.

SUPPLEMENTARY INFORMATION:

1. Background

On October 9, 1991, the City of New York submitted an application for a waiver of preemption determination, which was reproduced in critical part as appendix A to a public notice and invitation to comment published in the Federal Register on November 15, 1991 (56 FR 58126). A comment period expired on December 13, 1991, and a rebuttal comment period expired on January 17, 1992.

However, several comments supporting and opposing the City's applications were received and docketed after January 17, 1992. Therefore, in fairness to all interested parties, the rebuttal comment period is being extended through March 13, 1992. Parties may file comments rebutting any comments which have been received and docketed prior to publication of this notice.

Several exhibits were enclosed with the City's application, and they are available for examination at, and copies of them are available at no cost from the Dockets Unit, Research and Special Programs Administration (RSPA), room 8421, Nassif Building, 400 Seventh Street, SW. 20590-0001, telephone 202-366-4453.

The City requirements at issue in this proceeding were determined to be preempted in Inconsistency Ruling 22 (IR-22) (52 FR 46574, Dec. 8, 1987; correction, 52 FR 49107, Dec. 29, 1987) and in the RSPA Administrator's Decision of Appeal (IR-22(A)) (54 FR 26698, June 23, 1989). According to an October 29, 1991 letter from the City to RSPA, on October 18, 1991, in *National*

Paint & Coatings Ass'n et al. v. *City of New York et al,* Index No. CV 84–4525 (ERK), the United States District Court for the Eastern District of New York issued an order confirming that the City has acknowledged preemption of its requirements. That decision was reproduced as appendix B to the November 15, 1991 Federal Register notice.

2. Request for Temporary Stay of preemption

In its application, the City also requested a temporary stay of preemption as to the regulations which are the subject of its application. In its October 29 letter, the City states that, because the District Judge in the Federal Court litigation had provided for temporary relief for 150 days, RSPA need not rule on the request at that time. However, the City requested notice and an opportunity to renew its request if no determination is issued by March 15, 1992.

In the November 15, 1991 notice, RSPA indicated that there is no authority in the HMTA for the Secretary or RSPA to temporarily stay preemption. The authority to grant such relief lies, if anywhere, with the courts. RSPA has notified the City that RSPA does not expect to issue a determination by March 15, 1992, but that it does expect to issue a determination by May 15, 1992.

3. Public Comment

Comments should be limited to the following issues:

(1) Whether the specified City regulations afford an equal or greater level of protection to the public than is afforded by the requirements of the HMTA or regulations issued under the HMTA;

(2) whether those requirements do not unreasonably burden commerce, and

(3) Whether RSPA should grant the waiver request if it makes affirmative findings on issues (1) and (2).

Persons intending to comment on the application should review the standards and procedures governing the Department's consideration of applications for waiver of preemption determinations found at 49 CFR 107.215–107.225.

Dated: Issued in Washington, DC on February 21, 1992.

Alan I. Roberts

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 92–4480 Filed 2–26–92; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 7–92]

8% Treasury Bonds of November 2021

February 6, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $10,000,000,000 of United States securities, designated 8% Treasury Bonds of November 2021 (CUSIP No. 912810 EL 8), hereafter referred to as Bonds. The Bonds will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Bonds may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities.

2. Description of Securities

2.1. The Bonds will be issued February 18, 1992, and are offered as an additional amount of 8% Treasury Bonds of November 2021 (CUSIP No. 912810 EL 8) dated November 15, 1991. Payment for the Bonds will be based on the price equivalent to the bid yield determined in accordance with this circular, plus accrued interest from November 15, 1991, to February 18, 1992. Interest on the Bonds offered as an additional issue is payable on a semiannual basis on May 15, 1992, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 2021, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Bonds will be issued only in book-entry form in a minimum amount of $1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.3. A Bond may be held in its fully constituted form, or it may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, transfer, and reconstitution of Principal and Interest Components are set forth in section 6 of this circular. Subsections 2.1. and 2.2. of this section are descriptive of Bonds in their fully constituted form; the description of the separate Principal and Interest Components is set forth in section 6 of this circular.

2.4. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR Part 357), apply to the Bonds offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500, Thursday, February 13, 1992, prior to 12 noon, eastern standard time, for noncompetitive tenders and prior to 1 p.m., eastern standard time, for competitive tenders. Non-competitive tenders as defined below will be considered timely if postmarked no later than Wednesday, February 12, 1992, and received no later than Tuesday, February 18, 1992.

3.2. The par amount of Bonds bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. A bidder, whether bidding directly or submitting bids through a depository institution or government securities broker/dealer, may not bid both competitively and noncompetitively for its own account in the auction.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids for more than one yield. However, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of $3,500,000,000, which is 35 percent of the public offering amount of $10,000,000,000. A competitive bid by a single bidder at any one yield in excess of $3,500,000,000 will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should

not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the Bonds being auctioned, in "when issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: Depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. For competitive bids, an institution submitting a bid for customers must submit with the institution's tender a customer list that includes, for each customer, the name of the customer and the amount bid at each yield. Customer bids may not be aggregated by yield on the customer list. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Bonds applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Competitive tenders at yields higher than 8.67% will not be accepted because the equivalent prices would fall below the original issue discount limit of 92.750. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The maximum amount which may be awarded in this auction is $3,500,000,000. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in Section 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting noncompetitive bids will be notified only if the bid is not accepted in full, or when the price at the average yield is over par. Not later than 12 noon local time Friday, February 14, 1992, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time Friday, February 14, 1992, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more as a result of bids submitted by the depository institution or the broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Bonds specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Bonds allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from November 15, 1991, to February 18, 1992, in the amount of $20.87912 per $1,000 of Bonds allotted. Settlement on Bonds allotted will be made by a charge to a fund account or pursuant to an approved autocharge agreement, as provided in Section 3.7. Settlement on Bonds allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.7 must be made or completed on or before Tuesday, February 18, 1992. Payment must be in cash; in other funds immediately available to the Treasury;

in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, February 13, 1992. When payment has been submitted with the tender and the purchase price of the Bonds allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up top 5 percent of the par amount of Bonds allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Bonds allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identified to the registration of the Bond being purchased. In any such case, the tender form used to place the Bonds allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. Separability of Principal and Interest

6.1. Under the Treasury's STRIPS Program (Separate Trading of Registered Interest and Principal of Securities), a Bond may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The separate STRIPS components are: each future semiannual interest payment (referred to as an Interest Component) and the principal payment (referred to as the Principal Component). Each Interest Component and the Principal Component shall have an identifying designation and CUSIP number, which are set forth in Attachment B to this circular.

6.2. Attachment B also provides the payable dates for the separate components. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

6.3. For a Bond to be separated into the components described in Section 6.1., the par amount of the Bond must be in an amount which, based on the 8% interest rate of the Bond, will produce a semiannual interest payment of $1,000 or a multiple of $1,000. The minimum par amount required to obtain the separate components for this offering is $25,000. Par amounts greater than the minimum amount must be in multiples of that amount.

6.4. A Bond may be separated into its components at any time from the issue date until maturity. A request for separation must be made to the Federal Reserve Bank maintaining the account for the Bonds. Once a Bond has been separated into its components, the components may be maintained and transferred in multiples of $1,000.

6.5. Interest and Principal Components of separated securities may be reconstituted, i.e., restored to their fully constituted form, on the book-entry records of the Federal Reserve Banks. A Principal Component and all related unmatured Interest Components, in the appropriate minimum or multiple amounts previously announced, must be submitted together for reconstitution.

6.6. Detached physical interest coupons, coupons held under the CUBES Program, or cash payments may not be substituted for missing Interest or Principal Components. Any reconstitution request which does not comprise all of the necesssary STRIPS components in the appropriate amounts will not be accepted.

6.7. The book-entry transfer of each Interest Component and Principal Component included in a reconstitution transaction will be subject to the fee schedule generally applicable to transfers of book-entry Treasury securities.

6.8. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Bonds separated into their components.

7. General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Bonds.

7.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Bonds. Public announcement of such changes will be promptly provided.

7.3 The Bonds issued under this circular shall be obligations of the United States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Bonds.

7.4. Attachments A and B are incorporated as part of this circular.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

Treasury's Single Bidder Guidelines for Noncompetitive Bidding in all Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) *Bank Holding Companies and Subsidiaries*—

A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) *Banks and Branches*—

A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) *Thrift Institutions and Branches*—

A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) *Corporations and Subsidiaries*—

A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) *Families*—

A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is *not* permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is *not* recognized as a separate bidder.)

(6) *Partnerships*—

Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) *Guardians, Custodians, or Other Fiduciaries*—

A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) *Trusts*—

A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will,

(c) the IRS employer identification number (not social security account number).

(9) *Political Subdivisions—*

(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) *Mutual Funds—*

A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) *Money Market Funds—*

A money market fund (includes all funds that have a common management).

(12) *Investment Agents/Money Managers—*

An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) *Pension Funds—*

A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219-3350).

Attachment B

CUSIP Numbers and Designations for the Principal Component and Interest Components of 8% Treasury Bonds of November 15, 2021, CUSIP No. 912810 EL 8

The Principal Component is designated 8% Treasury Principal (TPRN) 2021 due November 15, 2021, CUSIP No. 912803 AY 9.

INTEREST COMPONENTS

Designation	CUSIP No. 912833	Designation	CUSIP No. 912833
Treasury Interest (TINT) Due		Treasury Interest (TINT) Due	
May 15, 1992	EU 0	May 15, 2007	GA 2
Nov. 15, 1992	EV 8	Nov. 15, 2007	GB 0
May 15, 1993	EW 6	May 15, 2008	GC 8
Nov. 15, 1993	EX 4	Nov. 15, 2008	GD 6
May 15, 1994	EY 2	May 15, 2009	GE 4
Nov. 15, 1994	EZ 9	Nov. 15, 2009	GF 1
May 15, 1995	FA 3	May 15, 2010	JU 5
Nov. 15, 1995	FB 1	Nov. 15, 2010	JV 3
May 15, 1996	FC 9	May 15, 2011	JW 1
Nov. 15, 1996	FD 7	Nov. 15, 2011	JX 9
May 15, 1997	FE 5	May 15, 2012	JY 7
Nov. 15, 1997	FF 2	Nov. 15, 2012	JZ 4
May 15, 1998	FG 0	May 15, 2013	KA 7
Nov. 15, 1998	FH 8	Nov. 15, 2013	KB 5
May 15, 1999	FJ 4	May 15, 2014	KC 3
Nov. 15, 1999	FK 1	Nov. 15, 2014	KD 1
May 15, 2000	FL 9	May 15, 2015	KE 9
Nov. 15, 2000	FM 7	Nov. 15, 2015	KF 6
May 15, 2001	FN 5	May 15, 2016	KH 2
Nov. 15, 2001	FP 0	Nov. 15, 2016	KK 5
May 15, 2002	FQ 8	May 15, 2017	KM 1
Nov. 15, 2002	FR 6	Nov. 15, 2017	KP 4
May 15, 2003	FS 4	May 15, 2018	KR 0
Nov. 15, 2003	FT 2	Nov. 15, 2018	KT 6

INTEREST COMPONENTS—Continued

Designation	CUSIP No. 912833	Designation	CUSIP No. 912833
May 15, 2004	FU 9	May 15, 2019	KV 1
Nov. 15, 2004	FV 7	Nov. 15, 2019	KX 7
May 15, 2005	FW 5	May 15, 2020	KZ 2
Nov. 15, 2005	FX 3	Nov. 15, 2020	LB 4
May 15, 2006	FY 1	May 15, 2021	LD 0
Nov. 15, 2006	FZ 8	Nov. 15, 2021	LF 5

[FR Doc. 92-4516 Filed 2-24-92; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 5-92]

Treasury Notes of February 15, 1995, Series N-1995

Washington, February 6, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $15,000,000,000 of United States securities, designated Treasury Notes of February 15, 1995, Series N-1995 (CUSIP No. 912827 E2 4), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated February 18, 1992, and will accrue interest from that date, payable on a semiannual basis on August 15, 1992, and each subsequent 6 months on February 15 and August 15 through the date that the principal becomes payable. They will mature February 15, 1995, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in a minimum amount of $5,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.3. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sales Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC, 20239-1500, Tuesday, February 11, 1992, prior to 12 noon, Eastern Standard Time, for noncompetitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 10, 1992, and received no later than Tuesday, February 18, 1992.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. A bidder, whether bidding directly or submitting bids through a depository institution or government securities broker/dealer, may not bid both competitively and noncompetitively for its own account in the auction.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids for more than one yield. However, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of $5,250,000,000, which is 35 percent of the public offering amount of $15,000,000,000. A competitive bid by a single bidder at any one yield in excess of $5,250,000,000 will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the notes being auctioned, in "when issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may

it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. For competitive bids, an institution submitting a bid for customers must submit with the institution's tender a customer list that includes, for each customer, the name of the customer and the amount bid at each yield. Customer bids may not be aggregated by yield on the customer list. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer, and the amount bid. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States hold membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The maximum amount which may be awarded in this auction is $5,250,000,000. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in Section 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting noncompetitive bids will be notified only if the bid is not accepted in full, or when the price at the average yield is over par. Not later than 12 noon local time Wednesday, February 12, 1992, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10:00 a.m. local time Wednesday, February 12, 1992, written conformation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more as a result of bids submitted by the depository institution or the broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.7. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.7 must be made or completed on or before Tuesday, February 18, 1992. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no

later than Thursday, February 13, 1992. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

6.4. Attachment A is incorporated as part of this circular.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

Treasury's Single Bidder Guidelines for Noncompetitive Bidding in all Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) *Bank Holding Companies and Subsidiaries*—A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) *Banks and Branches*—A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) *Thrift Institutions and Branches*—A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) *Corporations and Subsidiaries*—A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) *Families*—A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is *not* permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is *not* recognized as a separate bidder.)

(6) *Partnerships*—Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) *Guardians, Custodians, or other Fiduciaries*—A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) *Trusts*—A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will, (c) the IRS employer identification number (not social security account number).

(9) *Political Subdivisions*—(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) *Mutual Funds*—A mutual fund (includes all funds that comprise it whether or not separately administered).

(11) *Money Market Funds*—A money market fund (includes all funds that have a common management).

(12) *Investment Agents/Money Managers*—An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) *Pension Funds*—A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219-3350).

[FR Doc. 92-4514 Filed 2-24-92; 8:45 am]
BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 6-92]

7½% Treasury Notes of November 15, 2001

Washington, February 6, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $11,000,000,000 of United States securities, designated 7½% Treasury Notes of November 15, 2001 (CUSIP No. 912827 D2 5), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be issued February 18, 1992, and are offered as an additional amount of 7½% Treasury Notes of November 15, 2001, Series D-2001 (CUSIP No. 912827 D2 5) dated November 15, 1991. Payment for the Notes will be based on the price equivalent to the bid yield determined in accordance with this circular, plus accrued interest from November 15, 1991, to February 18, 1992. Interest on the Notes offered as an additional issue is payable on a semiannual basis on May 15, 1992, and each subsequent 6 months on November 15 and May 15 through the date that the principal becomes payable. They will mature November 15, 2001, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other non-business day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in a minimum amount of $1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.3. A Note may be held in its fully constituted form, or it may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, transfer, and reconstitution of Principal and Interest Components are set forth in section 6 of this circular. Subsections 2.1. and 2.2. of this section are descriptive of Notes in their fully constituted form; the description of the separate Principal and Interest Components is set forth in Section 6 of this circular.

2.4. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations, governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC, 20239–1500, Wednesday, February 12, 1992, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Non-competitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 11, 1992, and received no later than Tuesday, February 18, 1992.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. A bidder, whether bidding directly or submitting bids through a depository institution or government securities broker/dealer, may not bid both competitively and non-competitively for its own account in the auction.

3.3. Competitive bids must also show the yield desired expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids for more than one yield. However, at any one yield, the Treasury will not recognize any amount 35 percent of the public offering amount of $10,000,000,000. A competitive bid by a single bidder at any one yield in excess of $3,500,000,000 will be reduced to that amount.

3.4. Noncomptitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the Bonds being auctioned, in "when issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: depository institutions, as described in section 19(b)(1)A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. For competitive bids, an institution submitting a bid for customers must submit with the institution's tender a customers list that includes, for each customer, the name of the customer and the amount bid at each yield. Customer bids may not be aggregated by yield on the customer list. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. All competitive and noncompetititive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extend required to attain the amount offered. Competitive tenders at yields higher than 7.82% will not be accepted because the equivalent prices would fall below the original issue discount limit of 97.750. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price

equivalent to the weighted average yield of accepted competitive tenders.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The maximum amount which may be awarded in this auction is $3,850,000,000. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per requirements outlined in Section 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting noncompetitive bids will be notified only if the bid is not accepted in full, or when the price at the average yield is over par. Not later than 12 noon local time Thursday, February 13, 1992, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time Thursday, February 13, 1992, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more as a result of bids submitted by the depository institution or the broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from November 15, 1991, to February 18, 1992, in the amount of $19.57418 per $1,000 of Notes allotted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in Section 3.7. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.7. must be made or completed on or before Tuesday, February 18, 1992. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, February 13, 1992. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. Separability of Principal and Interest

6.1. Under the Treasury's STRIPS Program (Separate Trading of Registered Interest and Principal of Securities), a Note may be divided into its separate components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as Fiscal Agents of the United States. The separate STRIPS components are: each future semiannual interest payment (referred to as an Interest Component) and the principal payment (referred to as the Principal Component). Each Interest Component and the principal Component shall have an identifying designation and CUSIP number, which are set forth in Attachment B to this circular.

6.2. Attachment B also provides the payable dates for the separate components. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

6.3. For a Note to be separated into the components described in Section 6.1., the par amount of the Note must be in an amount which, based on the 7½% interest rate of the Note, will produce a semiannual interest payment of $1,000 or a multiple of $1,000. The minimum par amount required to obtain the separate components for this offering is $80,000. Par amounts greater than the minimum amount must be in multiples of that amount.

6.4. A Note may be separated into its components at any time from the issue date until maturity. A request for separation must be made to the Federal Reserve Bank maintaining the account for the Notes. Once a Note has been separated into its components, the components may be maintained and transferred in multiples of $1,000.

6.5. Interest and Principal Components of separated securities may be reconstituted, i.e., restored to their fully constituted form, on the book-entry records of the Federal Reserve Banks. A Principal Component and all related unmatured Interest Components, in the appropriate minimum or multiple amounts previously announced, must be submitted together for reconstitution.

6.6. Detached physical interest coupons, coupons held under the CUBES Program, or cash payments may not be substituted for missing Interest or Principal Components. Any reconstitution request which does not comprise all of the necessary STRIPS components in the appropriate amounts will not be accepted.

6.7. The book-entry transfer of each Interest Component and Principal Component included in a reconstitution transaction will be subject to the fee schedule generally applicable to transfers of book-entry Treasury securities.

6.8. Unless otherwise provided in this offering circular, the Department of the Treasury's general regulations governing United States securities apply to the Notes separated into their components.

7. General Provisions

7.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain,

service, and make payment on the Notes.

7.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

7.3. The Notes issued under this circular shall be obligations of the United States, whether held in the fully constituted form or as separate Interest and Principal Components, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

7.4. Attachments A and B are incorporated as part of this circular.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

ATTACHMENT A

Treasury's Single Bidder Guidelines for Noncompetitive Bidding in all Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) *Bank Holding Companies and Subsidiaries*—

A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) *Banks and Branches*—

A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) *Thrift Institutions and Branches*—

A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) *Corporations and Subsidiaries*—

A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) *Families*—

A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is *not* permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is *not* recognized as a separate bidder.)

(6) *Partnerships*—

Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) *Guardians, Custodians, or other Fiduciaries*—

A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) *Trusts*—

A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will, (c) the IRS employer identification number (not social security account number).

(9) *Political Subdivisions*—

(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) *Mutual Funds*—

A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) *Money Market Funds*—

A money market fund (includes all funds that have a common management).

(12) *Investment Agents/Money Managers*—

An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) *Pension Funds*—

A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219-3350).

ATTACHMENT B

CUSIP Numbers and Designations for the Principal Component and Interest Components of 7½% Treasury Notes of November 15, 2001, Series D-2001, CUSIP No. 912827 D2 5

The Principal Component is designated 7½% Treasury Principal (TPRN) Series D-2001 due November 15, 2001, CUSIP No. 912820 BC 0.

INTEREST COMPONENTS

Designation	CUSIP No. 912833	Designation	CUSIP No. 912833
Treasury Interest (TINT) due		Treasury Interest (TINT) due	
May 15, 1992	EU 0	May 15, 1997	FE 5
Nov. 15, 1992	EV 8	Nov. 15, 1997	FF 2
May 15, 1993	EW 6	May 15, 1998	FG 0
Nov. 15, 1993	EX 4	Nov. 15, 1998	FH 8
May 15, 1994	EY 2	May 15, 1999	FJ 4
Nov. 15, 1994	EZ 9	Nov. 15, 1999	FK 1

INTEREST COMPONENTS—Continued

Designation	CUSIP No. 912833	Designation	CUSIP No. 912833
Treasury Interest (TINT) due		Treasury Interest (TINT) due	
May 15, 1995	FA 3	May 15, 2000	FL 9
Nov. 15, 1995	FB 1	Nov. 15, 2000	FM 7
May 15, 1996	FC 9	May 15, 2001	FN 5
Nov. 15, 1996	FD 7	Nov. 15, 2001	FP 0

[FR Doc. 92-4515 Filed 2-24-92; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Educational Advising Program for International Students From the Middle East and North Africa

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The U.S. Information Agency finds it necessary to change the intended location of the Regional Educational Advising Center for which a Request for Proposals was issued in the **Federal Register** on August 16, 1991 (56 FR 40940).

SUPPLEMENTARY INFORMATION: The August notice requested proposals from non-profit organizations willing to establish and maintain eleven educational advising centers in the Middle East and North Africa. The Agency requested that interested organizations also submit an addendum detailing their concept of a regional educational advising center to be located in Bahrain. The Agency has now determined that the regional educational advising center should be sited instead in Kuwait City, Kuwait.

Any organization having comments regarding this change must submit them in writing as follows:

ADDRESSES: Comments should be directed to: U.S. Information Agency, Reference: Educational Advising Middle East/North Africa, Bureau of Educational and Cultural Affairs, Advising, Teaching and Specialized Programs Division, E/ASA—room 349, 301 4th Street, SW., Washington, DC 20547.

DATE: Comments must be received no later than 5 p.m. e.s.t., March 13, 1992.

Dated: February 19, 1992.

Dr. William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-4420 Filed 2-26-92; 8:45 am]

BILLING CODE 8230-01-M

Public and Private Non-Profit Organizations in Support of International Educational and Cultural Activities

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Office of Citizens Exchanges (E/P) announces a request for proposals from public and private nonprofit organizations in support of a project that has been initiated by E/P. 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.

APPLICATION DEADLINES: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, April 17, 1992. 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 proposals are received by the above deadline. The grant should not begin before the summer of 1992.

ADDRESSES: The original and 15 copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Bureau of Educational and Cultural Affairs, Grants Management Division (E/XE), ATTN: Citizen Exchanges—Initiatives, 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. To facilitate the processing of your request, please include the name of the appropriate USIA Program Officer, Stephen Taylor.

SUPPLEMENTARY INFORMATION: The Office of Citizen Exchanges of the United States Information Agency (USIA) announces a program to encourage, through limited awards to nonprofit institutions, increased private sector commitment to and involvement in international exchanges. All international participants will be nominated by overseas personnel of the U.S. Information Service (USIS) and selected by USIA. Pursuant to the Bureau's authorizing legislation, the program 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.

Summary of Initiative Award Program Idea

Project for Professional Development of Media Managers in Francophone Africa

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a two-way exchange program for up to 12 newspaper publishers and managing editors from Francophone Africa. The project would develop business management strategies for independent African newspapers operating under new press freedoms gained through recent democratic reforms. The program would also examine journalistic standards and ethics practiced in the United States. The first phase of the program, approximately three weeks in duration, would focus on newspaper publication as a business enterprise and would identify management strategies for strengthening journalism skills of staff reporters. This program segment would provide a forum for identifying objectives for follow-on activities to take place in selected Francophone African countries.

During Phase II, U.S. consultants would conduct intensive workshops designed to sharpen business management skills and develop strategies for promoting journalistic excellence.

A U.S. nonprofit institution will design and execute the program and select the American presenters. The institution should demonstrate extensive experience and success in coordinating international exchange programs for senior-level foreign visitors. The potential grantee should have substantive working relationships with U.S. public and private sector organizations responsible for promoting journalistic professionalism and successful business management. African participants will be nominated by USIS personnel overseas and selected by USIA. The program will take place in summer or fall 1992.

The E/P Program Officer for this project is Stephen Taylor.

Funding and Budget Requirements for All Submissions

Since USIA assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of support. Applications should demonstrate substantial financial and in-kind support.

Funding assistance is 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, defined as: (a) Salaries and benefits for institutional staff of grant recipient; (b) direct costs (communications expenses, office supplies, office space and materials when not developed for program participants); and (c) indirect costs. Total USIA-funded administrative costs are limited to 22 (twenty-two) per cent of the total funds requested from USIA. The recipient institution may wish to cost-share any of these expenses.

Organizations with less than four years experience in conducting international exchange programs are limited to $60,000 of USIA support, and their budget submissions should not exceed this amount. (Awarding of any and all grants is contingent upon the availability of funds.)

Application Requirements

Prior to submission of proposals, detailed concept papers and application materials must be obtained from: The Office of Citizen Exchanges (E/P), United States Information Agency, room 216, 301 4th Street, SW, Washington, DC 20547, Attention: Stephen Taylor.

Inquiries concerning technical requirements are welcome.

Proposals must contain a narrative which includes a complete and detailed description of the proposed program activity as follows:

1. A brief statement of what the project is designed to accomplish; how it is consistent with the purposes of the USIA award program; and how it relates to USIA's mission.

2. A concise description of the project, spelling out complete program schedules and proposed itineraries, who the participants will be, where they will come from and how they will be selected.

3. A statement of what follow-up activities are proposed; how the project will be evaluated; what groups, beyond the direct participants, will benefit from the project and how they will benefit.

4. A detailed three-column budget, instructions for which are contained in the application package.

5. Required certifications and compliance forms, which will be provided in the application package.

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 Office of Citizen Exchanges, the appropriate geographic area office, and the budget and contracts offices. Eligible 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. *Institution Reputation/Ability/Evaluations:* Institutional 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.

2. *Project Personnel:* Personnel's thematic and logistical expertise should be relevant to the proposed program.

3. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

4. *Thematic Expertise:* Proposal should demonstrate expertise in the subject area which guarantees an effective sharing of information.

5. *Cross-Cultural Sensitivity/Area Expertise:* Evidence of sensitivity to historical, linguistic, and other cross-cultural factors; relevant knowledge of geographic area.

6. *Ability to Achieve Program Objectives:* Objectives should be reasonable, feasible, and flexible. Proposal should clearly demonstrate how the institution will meet the program's objectives.

7. *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.

8. *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.

9. *Cost-Sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

10. *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.

11. *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. The final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about August 3, 1992. The awarded grant will be subject to periodic reporting and evaluation requirements.

Dated: February 19, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-4421 Filed 2-26-92; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the colection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 30, 1992.

Dated: February 21, 1992.

By direction of the Secretary:

Frank E. Lalley,

Associate Deputy Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Architect-Engineer Fee Proposal, VA Form 08-6298.

2. The form is used by architect-engineering firms to submit a fee proposal based on the scope and complexity of an individual project. The information is used by VA in the negotiation of a fair and reasonable contract for services.

3. Businesses or other for-profit.

4. 800 hours.

5. 4 hours.

6. On occasion.

7. 200 respondents.

[FR Doc. 92-4471 Filed 2-26-92; 8:45 am]

BILLING CODE 8320-01-M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the

following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual report hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 30, 1992.

Dated: February 21, 1992.

By direction of the Secretary:

Frank E. Lalley,

Associote Deputy Assistant Secretory for Information Resources Policies and Oversight.

Reinstatement

1. Fiduciary Statement, VA Form 27–4703.
2. The form constitutes a legally binding contract for the use of VA funds. It is used when payment of VA benefits are made to a fiduciary on behalf of a beneficiary who is incompetent, a minor, or under legal disability.
3. Individuals or households; State or local governments; Federal agencies or employees; Non-profit institutions.
4. 1,757 hours.
5. 5 minutes.
6. On occasion.
7. 21,080 respondents.

[FR Doc. 92–4472 Filed 2–26–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lachey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 30, 1992.

Dated: February 21, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy Assistant Secretory for Informotion Resources Policies ond Oversight.

Extension

1. Request for Verification of Deposit, VA Form 26–8497a.
2. The information collected is used for VA to determine whether the veteran qualifies as a prospective mortgagor for mortgage insurance or guaranty or as a borrower for a rehabilitation loan under VA programs.
3. Business or other for-profit.
4. 16,666 hours.
5. 5 minutes.
6. On occasion.
7. 200,000 respondents.

[FR Doc. 92–4473 Filed 2–26–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). this document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 30, 1992.

Dated: February 21, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy Assistant Secretory for Information Resources Policies and Oversight.

Reinstatement

1. Application for Payment of Matured Endowment, VA Form 29–5767.
2. This form is used to notify the insured that his/her endowment policy has matured, and to elicit the desired disposition of the proceeds of the policy.
3. Individuals or households.
4. 2,867 hours.
5. 20 minutes.
6. On occasion.
7. 8,600 respondents.

[FR Doc. 92–4474 Filed 2–26–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). this document lists the

following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before March 30, 1992.

Dated: February 21, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Income Verification, VA Forms 21–0161 and 21–0161a.
2. The forms are used to verify a beneficiary's income—dependent benefits in connection with the administration of veterans benefits. The information is used by VA to accurately adjust pension benefits payments and avoid overpayments.
3. Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations.
4. 114,000 hours.
5. 30 minutes.
6. On occasion.
7. 228,000 respondents.

[FR Doc. 92–4475 Filed 2–26–92; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 39
Thursday, February 27, 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).

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

Notice

February 25, 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: March 12, 1992, 3:00 p.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will receive a briefing by representatives of the Electric Power Research Institute on electricity research developments.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400.

Lois D. Cashell,

Secretary.

[FR Doc. 92–4682 Filed 2–25–92; 3:59 pm]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Federal-State Joint Board To Meet Monday, March 2, 1992

The Federal-State Joint Board will hold an Open Meeting on the subject listed below on Monday, March 2, 1992, which is scheduled to commence at 10:00 a.m. at the J. W. Marriott Hotel, Grand Ballroom II, 1331 Pennsylvania Avenue, NW., Washington, D.C.

Bureau, Item No., and Subject

Common Carrier—1—Title: Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, CC Docket No. 80–286. Summary: The Federal-State Joint Board will consider whether to initiate comprehensive review of issues related to the jurisdictional separations process set forth in Part 36 of the Commission's Rules and will consider the scope and goals of such review.

Additional information concerning this meeting may be obtained from Deborah Dupont of the Common Carrier Bureau, telephone number (202) 632–7500.

Federal Communications Commission.

Issued: February 24, 1992.

Donna R. Searcy,

Secretary.

[FR Doc. 92–4639 Filed 2–25–92; 2:13 pm]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Federal-State Joint Conference on Open Network Architecture To Meet on Monday March 2, 1992

The Federal-State Joint Conference on Open Network Architecture will hold an Open Meeting on the subjects listed below on Monday March 2, 1992. The meeting is scheduled to convene at 11:00 a.m. at the J.W. Marriott Hotel, Grand Ballroom II, 1331 Pennsylania Avenue, N.W., Washington, D.C.

Bureau, Item No., and Subject

COMMON CARRIER—1—Title: Federal-State Joint Conference on Open Network Architecture, CC Docket No. 88–2. Summary: The Federal-State Joint Conference will consider whether to extend the current sunset date of the Joint Conference of June 30, 1992, a staff report on uniform tariff guidelines, and related issues.

Additional information concerning this meeting may be obtained from Patrick Donovan of the Common Carrier Bureau, telephone number (202) 632–4047.

Federal Communications Commission.

Issued: February 24, 1992.

Donna R. Searcy,

Secretary.

[FR Doc. 92–4640 Filed 2–25–92; 2:13 pm]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 3, 1992, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g. § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, March 5, 1992, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor.)

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Title 26 Certification Matters
Advisory Opinion 1992–3: Mr. Richard D. Shore of Covington & Burling on behalf of the Reynolds Metal Co.
Advisory Opinion 1991–32: Mr. Michael G. Massey on behalf of CEC, Inc.
Legislative Recommendations—1992
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, press officer, telephone: (202) 219–4155.

Delores Harris,

Administrative Assistant.

[FR Doc. 92–4673 Filed 2–25–92; 3:17 pm]

BILLING CODE 6715–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, March 4, 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. Benefits proposals regarding the Office of Inspector General.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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 holding company applications scheduled for the meeting.

Dated: February 25, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–4677 Filed 2–25–92; 3:18 pm]

BILLING CODE 6210–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, March 3, 1992.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20024.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5558A—Aviation Accident Report; Weather Encounter Involving L'Express Airlines, Inc., Beech C99, Flight 508, near Birmingham, Alabama, July 10, 1991.

5671—Highway Accident Report: Greyhound Bus Run-Off-The Road Accidents: Donegal, Pennsylvania, June 26, 1991, and Caroline, New York, August 3, 1991.

NEWS MEDIA CONTACT: Telephone (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: February 24, 1992.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 92–4595 Filed 2–25–92; 9:00 am]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

DATES: Weeks of February 24, March 2, 9, and 16, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 24

Tuesday, February 25

10:00 a.m.
Briefing on Design Basis Reconstitution Programs (Public Meeting)

Wednesday, February 26

2:30 p.m.
Briefing by Executive Branch (Closed—Ex. 1 and 3)

3:15 p.m.
Classified Safeguards Briefing (Closed—Ex. 1 and 3)

4:00 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Commission Reconsideration of Standards Covering Combined License Hearing (Tentative)

Week of March 2—Tentative

Wednesday, March 4

10:00 a.m.
Briefing by NARUC on Economic Issues Associated with Nuclear Power Plant Operations and HLW Programs (Public Meeting)

Thursday, March 5

2:00 p.m.
Periodic Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Ohio Edison Company's Motion for Reconsideration of CLI–91–15 (Tentative)
b. NRC Staff's Motion to Vacate the Licensing Board's Initial Decision, LBP–91–29. Fewell Geotechnical Engineering, Ltd., (Thomas E. Murray, Radiographer) (Tentative)

Week of March 9—Tentative

Tuesday, March 10

1:00 p.m.
Briefing on Pending Investigations (Closed—Ex. 5 and 7)

2:00 p.m.
Briefing on Risk-Based Regulations Transition Strategy (Public Meeting)

Wednesday, March 11

1:30 p.m.
Briefing on Requirements for Integral System Testing of Westinghouse AP–600 (Public Meeting)

Thursday, March 12

2:00 p.m.
Periodic Meeting with the Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 16—Tentative

Tuesday, March 17

8:30 a.m.
Briefing on Status of Restart of General Atomics Sequoyah Fuels Facility (Public Meeting)

2:00 p.m.
Briefing on Activities of the Center for Nuclear Waste Regulatory Analysis (CNWRA) (Public Meeting)

3:30 p.m.
Discussion of Internal Commission Procedures (Public Meeting)

Thursday, March 19

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION:

By a vote of 3–0 (Commissioner Remick not present and Commissioners de Planque not participating) on February 11, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Georgia Power Company, Intervenor's Appeal of LBP–91–21" (Public Meeting) be held on February 12 and on less than one week's notice to the public.

By a vote of 3–0 (Commissioners Remick and de Planque were not present) on February 12, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Meeting on Investigative Matters" (Closed—Ex. 2 and 9) be held on February 13 and on less than one week's notice to the public.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: February 24, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92–4619 Filed 2–25–92; 1:21 pm]

BILLING CODE 7590–01–M

POSTAL SERVICE

Board of Governors

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, March 9, 1992, and at 8:30 a.m. on Tuesday, March 10, 1992, in Washington, D.C.

By telephone vote, February 14–24, 1992, a majority of the members contacted and voting, the Board of Governors voted to close to public observation its meeting schedule for March 9, which will involve consideration of an additional funding request for the Goleta, California, Mail Handling Annex. The Board determined that pursuant to sections 552b(c)(10) and 552b(c)(9)(B) of Title 5, United States Code, and sections 7.3 (i) and (j) of Title 39, Code of Federal Regulations, discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information, the premature disclosure of which would significantly frustrate proposed procurement actions.

The March 10 meeting is open to the public and will be held at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W., in the Benjamin Franklin Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

AGENDA

Monday Session

March 9—1:00 p.m. (Closed)

1. Goleta, California, Mail Handling Annex, Additional Funding Request. (Stanley W.

Smith, Assistant Postmaster General, Facilities Department.)

Tuesday Session

March 10—8:30 a.m. (Open)

1. Minutes of Previous Meeting, February 3–4, 1992.
2. Remarks of the Postmaster General.
3. Capital Investment Process. (Comer S. Coppie, Senior Assistant Postmaster General, Finance Group.)
4. Operational Use of the Customer Service Index (William R. Cummings, Senior Assistant Postmaster General, Operations Support Group.)
5. Report on the Human Resources Group. (Joseph J. Mahon, Jr., Senior Assistant Postmaster General, Human Resources Group.)
6. Report on the Marketing and Customer Service Group. (Richard J. Strasser, Jr., Senior Assistant Postmaster General, Marketing and Customer Service Group.)
7. Report on the Law Department. (Harold J. Hughes, General Counsel.)
8. Capital Investment. (Stanley W. Smith, Assistant Postmaster General, Facilities Department, and Elwood A. Mosley, Assistant Postmaster General, Training and Development Department.)
   a. Norman, Oklahoma, Technical Training Center, Deviation Request.
9. Tentative Agenda for the April 6–7, 1992, meeting in Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 92–4621 Filed 2–25–92; 1:22 pm]

BILLING CODE 7710–12–M

Corrections

Federal Register
Vol. 57, No. 39
Thursday, February 27, 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 EDUCATION

[CFDA No. 84.197E]

College Library Technology and Cooperation Grants Program—Biotechnology Education Information Demonstration Project; Notice Inviting Applications for a New Award for Fiscal Year (FY) 1992

Correction

In notice document 92-3219, appearing on page 4994, in the issue of Tuesday, February 11, 1992, in the third column, under *Selection Criteria:*, in the eighth line, "43 CFR 779.21(b)(9)" should read "43 CFR 779.21(b)(4)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 91P-0156/CP1]

Needle-Bearing Devices; Citizen Petition; Request for Comment

Correction

In proposed rule document 92-3459, beginning on page 5241, in the issue of Thursday, February 13, 1992, make the following correction:

On page 5242, in the first column, under **II. Citizen Petition**, in the second line, "1992" should read "1991".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92M-0047]

Chiron Ophthalmics, Inc.; Premarket Approval of Chiroflex™ II Model 32-C20SX/XX, 32-C21SX/XX, 32-C22SX/XX, 32-C23SX/XX, and 32-C24SX/XX Silicone Posterior Chamber Intraocular Lenses

Correction

In notice document 92-3708 beginning on page 5895 in the issue of Tuesday, February 18, 1992, the subject heading should read as set forth above.

BILLING CODE 1505-01-D