

2-24-92
Vol. 57 No. 36

Monday
February 24, 1992

federal register

United States
Government
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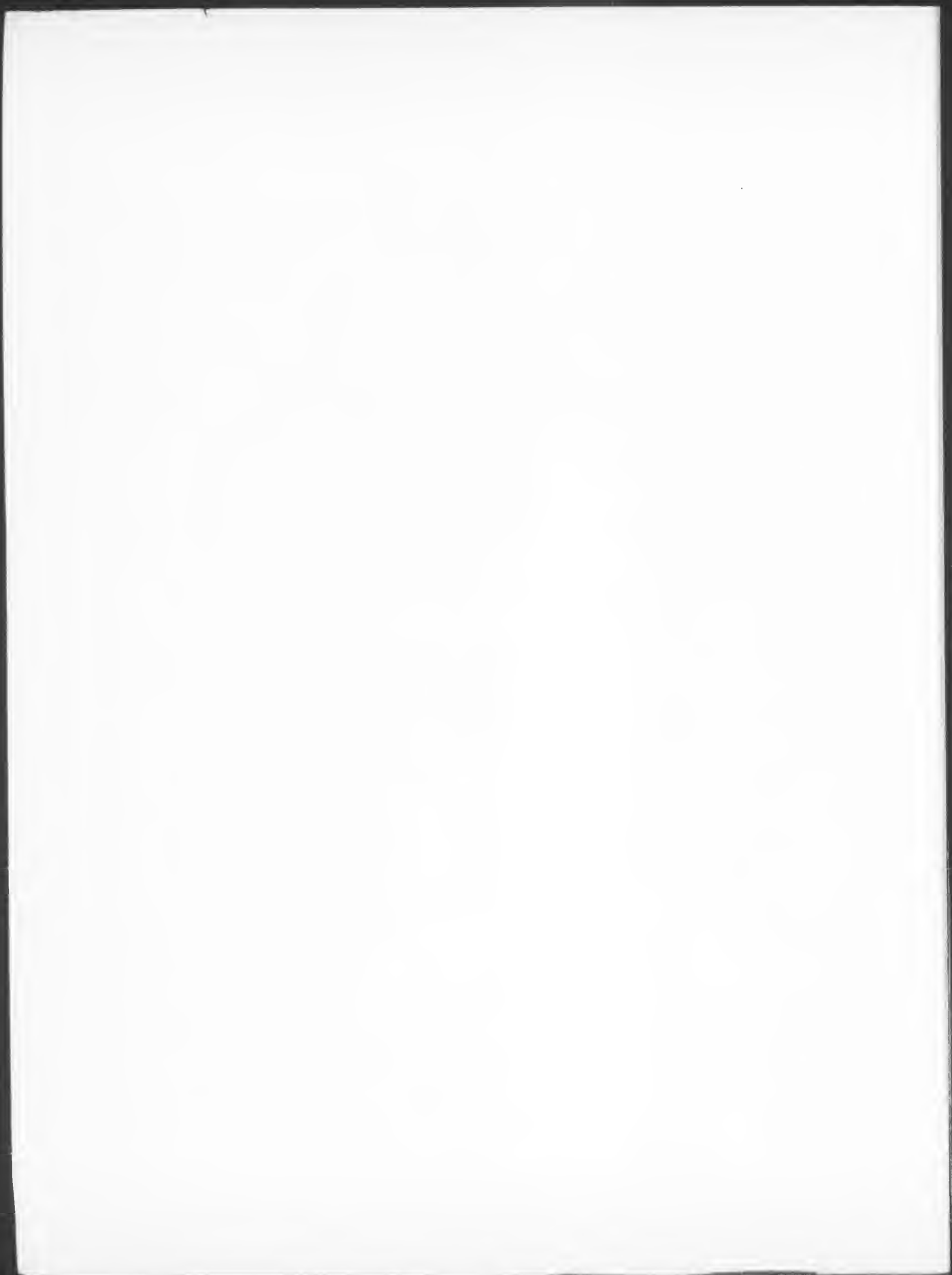
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U.S. Government Printing Office
(ISSN 0097-6326)



2-24-92
Vol. 57 No. 36
Pages 6285-6456

Monday
February 24, 1992

Federal Register

Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see
announcement on the inside cover of this issue.



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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THE FEDERAL REGISTER WHAT IT IS AND HOW TO USE IT

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

WASHINGTON, DC

- WHEN:** February 28, at 9:00 a.m.
- WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.
- DIRECTIONS:** North on 11th Street from
Metro Center to corner
of 11th and L Streets

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

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1700

General Information

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends 7 CFR chapter XVII of the Code of Federal Regulations by revising part 1700, General Information, to describe and reflect several changes in REA organizational structure and functions. These changes are rules of Agency organization.

EFFECTIVE DATE: This rule is effective February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Fred L. Henson, Personnel Management Division, Rural Electrification Administration, room 4031, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250-1500, Telephone: (202) 720-1384.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation as established by the Order.

Regulatory Flexibility Act Certification

The Administrator of REA has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Most borrowers of

REA loans do not meet the requirements for small entities.

National Environmental Policy Act Certification

The Administrator of REA has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The programs described by this final rule are listed in the 1991 Catalog of Federal Domestic Assistance Programs under No. 10.850, Rural Electrification Loans and Loan Guarantees; No. 10.851, Rural Telephone Loans and Loan Guarantees; No. 10.852, Rural Telephone Bank Loans; and No. 10.854, Rural Economic Development Loans and Grants. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultant. A Notice of Final rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA electric loans and loan guarantees from coverage under this Order.

Information Collection and Recordkeeping Requirements

This final rule contains no information collection or recordkeeping provisions requiring Office of Management and Budget approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

This amendment revises and reflects the current organizational structure of REA and certain internal administrative functions. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and comment and other public procedures are impractical and contrary to public interest.

List of Subjects in 7 CFR Part 1700

Electric power, Freedom of information, Loan programs—

communication, Loan programs—energy, Organization and functions (Government agencies), Rural areas, Telephone.

Therefore, REA amends part 1700 of 7 CFR chapter XVII as follows:

PART 1700—GENERAL INFORMATION

1. The authority citation for 7 CFR part 1700 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary of Agriculture for Small Community and Rural Development, 7 CFR 2.72; 7 U.S.C. 1921 *et seq.*; 5 U.S.C. 301, 552; 7 CFR 1.1-1.16.

2. Subpart A of part 1700 is revised to read as follows:

Subpart A—Organization and Functions

- 1700.1 General.
- 1700.2 Office of the Administrator.
- 1700.3 Office of the Deputy Administrator—Program Operations.
- 1700.4 Rural electric program.
- 1700.5 Rural telephone program.
- 1700.6 Economic development and technical services.
- 1700.7 Office of the Deputy Administrator—Management and Policy Support.
- 1700.8 Office of Assistant Administrator—Management.
- 1700.9 Information, legislation, policy and management analysis.
- 1700.10 1700.19—[Reserved]

Subpart A—Organization and Functions

§ 1700.1 General.

(a) The Rural Electrification Administration (REA) was established by Executive Order No. 7037, signed by the President on May 11, 1935. Statutory authority was provided by the Rural Electrification Act of 1936 (RE Act) (49 Stat. 1363; 7 U.S.C. 901). The RE Act established REA as a lending agency with responsibility for developing a program for rural electrification.

(b) On October 28, 1949, an amendment to the RE Act authorized REA to make loans to improve and extend telephone service in rural areas. The Rural Telephone Bank (RTB or the Bank), an Agency of the United States, was established by another amendment to the RE Act, approved May 7, 1971. The Administrator of REA serves as the Bank's chief executive with the title of Governor. On May 11, 1973, the RE Act was further amended to establish a

revolving fund and to provide authority for REA to guarantee loans made by other legally organized lenders. The RE Act was amended further on December 21, 1987, to establish a Rural Economic Development Subaccount, and to authorize funds from this subaccount to provide zero-interest loans and grants to REA borrowers to promote rural economic development and job creation. The RE Act was also amended on November 5, 1990, to add a new section 314, which authorizes REA to guarantee 90 percent of the principal and interest of loans made for electric and telephone facilities by legally organized lenders. It was further amended on November 28, 1990, to establish an Assistant Administrator for Economic Development and a rural development technical assistance unit; to expand the authorities and responsibilities of REA in rural economic development; and to establish a Rural Business Incubator Fund for making grants and reduced interest loans to electric and telephone borrowers to promote business incubator projects. At the same time, the Administrator was also granted authority for financial assistance for distance learning and medical link programs.

(c) The offices of REA are located in the South Building of the United States Department of Agriculture at 14th and Independence Avenue, SW., Washington, DC 20250-1500. The Electric and Telephone Programs are administered by regional offices located at this same address. There is a Northern and a Southern Regional Office, along with a Power Supply Division, for the electric program, and an Eastern and a Western Regional Office for the telephone program. (See § 1700.4(b) and 1700.5(b).)

§ 1700.2 Office of the Administrator.

(a) The Administrator (who also serves as Governor of the RTB) is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. The Administrator functions as the chief executive of the Agency under the general supervision and direction of the Under Secretary for Small Community and Rural Development. The Administrator is aided directly by two Deputy Administrators and by Assistant Administrators for the Electric Program, the Telephone Program, for Economic Development and Technical Services, and for Management. The Financial Services Staff and the Equal Opportunity and Civil Rights Staff also report directly to the Administrator. The work of the Agency is carried out

through the offices and divisions described in this part.

(b) The Financial Services Staff performs the following functions:

(1) Evaluates financial conditions of financially troubled borrowers;

(2) Negotiates settlements and "work-outs" of financially troubled borrowers who have or may have delinquent loans in order to satisfy the government's interests, keeping abreast of financial and legal factors that may affect the negotiations;

(3) Coordinates the Agency's efforts to identify and develop strategies for potentially financially troubled borrowers;

(4) Develops techniques and criteria for evaluating the financial and operating performance of certain rural electric and telephone borrowers;

(5) Develops certain standards, policies, and procedures in connection with loan requirements and processing for the electric and telephone programs;

(6) Analyzes and evaluates certain loan requests and transactions to determine whether the documentation justifies the request;

(7) Serves as staff to the Senior Loan Committee;

(8) Keeps other government organizations advised concerning activities of the staff; and

(9) Serves as REA liaison to the capital markets.

(c) The Equal Opportunity and Civil Rights Staff administers the program for equal opportunity in the delivery of services and benefits by REA borrowers and in the employment practices in the Agency. The staff:

(1) Formulates and coordinates plans, policies and procedures for a nationwide program of nondiscrimination on the part of REA borrowers in carrying out borrower programs subject to the provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a-2000h-6); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and Executive Order 11246 (3 CFR, 1964-1965 Comp., p. 339), as amended by Executive Orders 11375 (3 CFR, 1966-1970 Comp., p. 684) and 12088 (3 CFR, 1978 Comp., p. 230).

(2) Develops and monitors plans, policies and programs designed to promote equal employment opportunity for REA personnel under title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621-634); the Equal Employment Opportunity Act of 1972 (42 U.S.C. 2000e et seq.); section 501 of the

Rehabilitation Act of 1973; pertinent provisions of the Civil Service Reform Act of 1978 (5 U.S.C. 1101 et seq.); and applicable rules, regulations and other equal employment, nondiscrimination statutes.

§ 1700.3 Office of the Deputy Administrator—Program Operations.

The Deputy Administrator—Program Operations directs and coordinates the electric, telephone and rural economic development programs, technical services, and borrower accounting activities; reviews Agency policies in these areas and, as necessary, implement changes; and participates with the Administrator and other officials in planning and formulating the programs and activities of the Agency.

§ 1700.4 Rural electric program.

(a) The Assistant Administrator—Electric directs and coordinates the rural electrification program of the Agency, participating with the Administrator and Deputy Administrator—Program Operations and others in planning and formulating the programs and activities of the Agency.

(b) *Regional Offices.* (1) The two regional offices are the primary points of contact between REA and electric distribution system borrowers. Each office administers the rural electric program for an assigned geographical area with assistance of field representatives located in areas assigned to them. The regional offices are composed of the following states and territories:

(i) *Northern Region.* Alaska, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and present and former Pacific Trust Territories; and

(ii) *Southern Region.* Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Utah, and the Virgin Islands.

(2) The regional offices perform the following functions with respect to loan feasibility and security and accomplishment of the purposes of the RE Act:

(i) Administer the rural electrification program for distribution borrowers in

the region, serving as the single point of contact for distribution borrowers;

(ii) Provide guidance to borrowers on Agency loan policies and procedures, and receives, evaluates, and processes insured and guaranteed loan applications and other requests for financing assistance;

(iii) If delegated the authority by the Administrator, Regional Directors may approve certain loans, lien accommodations and other actions;

(iv) Assure that distribution and transmission systems and facilities are designed and constructed in accordance with the terms of the loan and proper engineering practices and specifications;

(v) Maintain oversight of borrower rate actions;

(vi) Provide guidance to borrowers on supplemental power resources; load and energy management; and the environmental aspect of the design, construction and operation of their systems;

(vii) Maintain necessary oversight of borrowers' financial management and technical operations and practices to assure the security of the government's loans. Institute operations and management studies or other forms of corrective action as necessary;

(viii) Works to ensure accountability of loan and other financial transactions; and

(ix) Supplements efforts of the Equal Opportunity and Civil Rights Staff to ensure borrower compliance with civil rights requirements.

(c) *Power Supply Division.*—The Division performs the following functions:

(1) Administers rural electrification program responsibilities that relate to power supply borrowers, and serves as the primary point of contact between REA and all such borrowers;

(2) Receives, evaluates, and processes insured and guaranteed loan applications and other requests for financial assistance from power supply borrowers;

(3) Develops and administers engineering and construction functions related to planning, design, construction, operation, and maintenance for power supply borrowers;

(4) Maintains a continuing financial and management overview of power supply borrowers to ensure that their operations are consistent with sound fiscal policies and procedures, loan security, and with REA loan contracts, mortgages and regulatory requirements. Initiates operations and management studies or other forms of corrective action as necessary;

(5) Provide guidance to borrowers on supplemental power resources; load and

energy management; and the environmental aspects of the design, construction and operations of their systems;

(6) Works to ensure accountability of loan and other financial transactions; and

(7) Supplements efforts of the Equal Opportunity and Civil Rights Staff to ensure borrower compliance with civil rights requirements.

(d) *Electric Staff Division.* This division administers certain engineering and operating activities relating to the rural electric program. The division:

(1) Is responsible for engineering aspects of REA's standards, specifications and other requirements with respect to design, construction, and technical operation and maintenance of power-plant, distribution, and transmission systems and facilities, including load management, energy conservation and communications;

(2) Develops engineering practices, policies, standards, and guidelines for the Agency relating to electric borrowers' systems; conducts analysis and provides guidance on matters relating to fuels for electric generating stations; analyzes the effects of environmental laws and regulations on REA-financed electric systems; and develops related policies and procedures for the Agency;

(3) Develops criteria, procedures and analyses for improvement of the operating performance of electric borrowers;

(4) Develops procedures, criteria and techniques for forecasting borrowers' power requirements; and develops and maintains expertise in matters relating to retail and wholesale rates;

(5) Develops policies and procedures for adherence to environmental laws and regulations, and reviews borrowers' environmental studies;

(6) Maintains and publishes a continuing updated list of materials compatible with current REA standards;

(7) From time to time provides consultation with borrowers regarding engineering matters;

(8) Provides assistance to the other electric offices and, as appropriate, to borrowers; and

(9) Maintains liaison with other Government agencies, utilities, industry officials and professional organizations on the above matters.

§ 1700.5 Rural telephone program.

(a) The Assistant Administrator—Telephone directs and coordinates the rural telephone program of the Agency, participating with the Administrator and Deputy Administrator—Program Operations and other officials in

planning and formulating the programs and activities of the Agency.

(b) *Regional Offices.* (1) The two regional offices are the primary points of contact between REA and all telephone system borrowers. Each office administers the rural telephone program for an assigned geographical area with assistance of field representatives located in areas assigned to them.

(2) The regional offices are composed of the following states and territories:

(i) *Eastern Region.* Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Virgin Islands, West Virginia, and Wisconsin; and

(ii) *Western Region.* Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming and present and former Pacific Trust Territories along with the Northern Mariana Islands and Guam.

(3) The regional offices have the following responsibilities with respect to loan feasibility and security and accomplishment of the purposes of the RE Act:

(i) Provide guidance to applicants and borrowers on Agency and Rural Telephone Bank loan policies and procedures, and make recommendations to the Administrator on applications for loans or guarantees. If delegated the authority by the Administrator, Area Directors may approve certain loans, lien accommodations and other actions;

(ii) Review and analyze borrowers' toll revenue settlements and local service rates for adequacy to meet loan service payments and other expenses;

(iii) Assure that telephone systems and facilities are designed and constructed in accordance with the terms of the loan and the Agency's regulations. They review, analyze and approve borrowers' engineering plans and specifications; engineering, equipment and construction contracts; and borrowers' payments to engineers and contractors. They work with the borrowers to assure that completed construction meets REA standards for quality of service and loan security; and

(iv) Provide information to borrowers regarding management and technical operations and practices with respect to the feasibility and security of the

Government's loans and achievement of RE Act purposes.

(c) *Telecommunications Standards Division.* This division administers engineering staff activities related to the design, construction, and technical operation and maintenance of rural telephone systems and facilities. The division:

- (1) Develops Agency engineering practices, policies, guidelines and technical data relating to telephone borrowers' systems;
 - (2) Evaluates the application of new communications network technology to rural telephone systems;
 - (3) Develops standards, policies, and procedures in connection with construction activities financed by the rural telephone program;
 - (4) Provides advice and assistance to the regional offices and, as requested, to borrowers on the above functions and responsibilities; and
 - (5) Maintains liaison with other government agencies, utilities, industry officials, and professional organizations on the above matters.
- (d) *Rural Telephone Bank Management Staff.* This staff performs the following functions:
- (1) Prepares analyses and makes recommendations to the Assistant Governor of the RTB on RTB issues;
 - (2) Performs the calculations needed to determine the cost of money rate to RTB borrowers;
 - (3) Prepares the minutes of RTB board meetings;
 - (4) Develops practices and procedures for determining toll forecasts for the telephone regional offices, and develops the toll forecasts for borrowers with complicated settlement arrangements; and
 - (5) Maintains liaison with other government agencies, utilities, industry officials, and professional organizations on the above matters.

§ 1700.6 Economic development and technical services.

(a) The Assistant Administrator—Economic Development and Technical Services directs and coordinates the rural economic development and technical services programs of the Agency, participating with the Administrator and Deputy Administrator—Program Operations and other officials in planning and formulating the programs and activities of the Agency. Two staffs and one division report to this Assistant Administrator.

(b) *Rural Development Assistance Staff.* This staff performs the following functions:

(1) Administers the Agency's rural economic development and job creation programs;

(2) Formulates and develops regulations, procedures, directives, and bulletins concerning the execution of Agency rural economic development activities;

(3) In coordination with Agency personnel, provides guidance to borrowers on Agency rural economic development policies and procedures, and makes recommendations to the Administrator on borrowers' applications for rural economic development financial assistance;

(4) Provides economic and community development technical assistance to borrowers; and

(5) Advises Agency personnel on rural economic development matters.

(c) *Program Support Staff.* This staff has the following responsibilities:

(1) Prepares special and ongoing analyses regarding the operations of the Agency's loan, loan-guarantee, and grant programs, and supervises special projects as assigned;

(2) Develops and maintains Agency regulations and bulletins on pre-and post-loan policies and procedures, and provides advice and assistance to Agency staff and others regarding the achievement of program policies;

(3) Coordinates with corresponding program staffs regarding the implementation of program-wide policies;

(4) Coordinates joint program initiatives;

(5) Provides coordination and assistance on management development of REA and borrower personnel, as assigned; and collaborates with borrowers' organizations and professional groups in management development;

(6) Develops and maintains a variety of loan fund control ledgers for electric and telephone program lending authorities; and

(7) Keeps abreast of external developments by state, local and Federal regulatory and legislative bodies relating to REA programs.

(d) *Borrower Accounting Division.* This division ensures that accounting policies, systems and procedures with respect to borrowers' accounting operations meet regulatory, U.S. Department of Agriculture, General Accounting Office, Office of Management and Budget and Treasury Department requirements. The division:

(1) Provides recommendations and assistance in solving special program and administrative problems involving accounting interpretations and analysis, including the development and

presentation of data to agency staff, regulatory bodies, and other agencies;

(2) Examines borrowers' records and operations and reviews expenditures of loan and other funds deposited in the REA Construction Fund Account to determine that funds are expended in conformity with the RE Act. Reviews borrowers' plant accounting system and procedures to determine compliance with REA regulations;

(3) Approves Certified Public Accountants to perform audits for borrowers and reviews their reports to determine conformance with acceptable accounting practices, procedures and standards;

(4) Develops proposed standards and procedures for Agency examination programs and evaluates adequacy and effectiveness of the review procedures; and

(5) Evaluates borrowers' accounting systems and procedures and recommends changes, as necessary, to provide for more complete and accurate reporting of borrowers' operations. Provides advice and assistance to borrowers concerning the installation and operation of accounting systems;

(e) *Area Offices.* The division is organized into four geographic area offices each of which has several field accountants located throughout the area.

§ 1700.7 Office of the Deputy Administrator—Management and Policy Support.

The Deputy Administrator—Management and Policy Support directs and coordinates the legislative, public information, administrative and budget activities of the Agency and participates with the Administrator and other officials in planning and formulating the programs, policies and other functions of the Agency. Activities are carried out by an Assistant Administrator—Management and others who report directly to the Deputy Administrator.

§ 1700.8 Office of Assistant Administrator—Management.

The Assistant Administrator—Management directs and coordinates the general administrative activities of the agency, participates with the Administrator and Deputy Administrators and other officials in planning and formulating the programs and activities of the agency. The Office of Budget and four other divisions are directed and coordinated by the Assistant Administrator—Management.

(a) The Office of Budget administers the budgetary and financial

management program of the Agency. The office:

(1) Determines the annual funding needs for current and multi-year forecasts, participating with the Administrator in presenting and supporting the Agency's budget and program plans; and

(2) Administers budget execution, apportionment, allotment and use and control of all Agency funds.

(b) The Personnel Management Division administers the personnel program of the Agency, covering both headquarters and field personnel. The division:

(1) Administers the provisions of the Classification Act, to achieve uniform application of position classification principles and standards to all REA positions; conducts organization studies and develops recommendations for changes; develops and administers the Agency's personnel management evaluation activities;

(2) Administers the employment program for the Agency, including staffing, recruitment, placement and separation; administers the Agency's merit promotion program; maintains liaison with the National Finance Center on personnel data processing activities including payroll;

(3) Administers Agency responsibilities for employee relations including: grievances and appeals, performance appraisals, performance recognition system, conflict of interest, awards, benefits, and leave;

(4) Directs, coordinates, and evaluates a program of employee training to achieve the maximum utilization of skills and abilities of personnel; conducts training sessions; plans and directs conferences; prepares training budget; approves training requests; and coordinates an information program for foreign visitors;

(5) Provides advice and assistance to Agency officials and employees to ensure sound and effective administration of the Agency's personnel program;

(6) Maintains working relations and liaison on personnel management matters with the staff and other agencies of the Department and other government agencies; and

(7) Participates with the Administrator, in conjunction with the Equal Opportunity and Civil Rights Staff, in the implementation and enforcement of USDA equal employment opportunity programs (see § 1700.2(c) (2)); coordinates equal employment opportunity complaint system with the Department; develops and administers the Agency's Federal Equal Opportunity Recruitment Program.

(c) The Administrative Services Division administers a wide array of management services. The division administers:

(1) General services involving contracting and procurement, space management, property and supplies management, records management and communications;

(2) The Agency's rulemaking and regulatory review activities, coordinating with the Office of the Federal Register, the Office of the General Counsel, and the Office of Management and Budget; and

(3) The Agency's publications issuance system and the forms and report program.

(d) The Automated Information Systems Division analyzes the application of data processing to REA program activities, including feasibility studies of the costs and benefits of automated data processing. The division:

(1) Establishes standards and procedures for developing, maintaining and using the Agency's major automated systems covering borrower information, loan accounting and special management programs; performs systems analyses, development, and programming; and ensures data security;

(2) Operates the data processing equipment of the Agency, including the conversion of data from source documents and the preparation of statements, reports, analyses, and other information, and provides training and assistance to users; and

(3) Collects and analyzes financial, operating, and other statistical data obtained from borrowers and other sources, and prepares reports on the progress and status of the programs of REA and the RTB.

(e) The Financial Operations Division administers the fiscal accounting program of the agency and the RTB. The division:

(1) Develops, recommends and implements accounting policies, systems, and procedures regarding the Agency's and RTB's operations;

(2) Maintains accounts to provide control over and accountability for all funds, assets, liabilities, income and expenses of the Agency and the RTB; and prepares reports required by REA, RTB, the U.S. Department of Agriculture, and other government agencies;

(3) Examines and certifies for payment, vouchers and invoices covering administrative expenses and loan fund advances of the Agency and the RTB;

(4) Reviews, examines and processes monthly billings and debt service payments for REA and RTB loans;

(5) Reviews, examines and processes loan fund advances, billings, debt service payments and all other accounting related activities connected with Federal Financial Bank loans to REA borrowers; and

(6) Maintains custody of the original copies of notes and mortgages and certain loan collateral.

§ 1700.9 Information, legislation, policy and management analysis.

The Deputy Administrator—Management and Policy Support, directs two separate staffs of the Agency dealing with public information and legislation, and policy and management analysis.

(a) The Legislative and Public Affairs Staff performs the following functions:

(1) Analyzes the policy, programs and procedural implications of Federal and State legislation affecting REA programs; prepares special reports for the Administrator on legislative affairs; and responds to inquiries from Congress and others concerning REA programs;

(2) Maintains liaison with the Department's legislative staff and with congressional offices;

(3) Manages the information activities of the Agency to provide borrowers and the public with timely information concerning the operations, status, progress and accomplishments of the rural electrification, rural telephone and rural development programs;

(4) Evaluates the public information activities of the Agency and advises on actions that will improve public understanding and acceptance of Agency functions; and

(5) Administers the public information provisions of 5 U.S.C. 551 *et seq.*, the Administrative Procedure Act.

(b) The Policy and Management Analysis Staff performs the following functions:

(1) Coordinates the development and monitors the implementation of the Agency's long-term program and management plans, ensuring that these plans are up to date at all times;

(2) Ensures that these long-term plans include quality-improvement, efficiency, and cost saving initiatives;

(3) Ensures that audit resolutions are incorporated in the Agency's strategic planning and other processes for establishing goals and objectives; and

(4) Initiates and coordinates management productivity programs of the Agency.

§§ 1700.10—1700.19 [Reserved]

3. Section 1700.24 is revised to read as follows:

§ 1700.24 Loans and grants pursuant to section 313 of the RE Act.

These zero-interest loans and grants are made to borrowers under the RE Act for the purpose of promoting rural economic development and rural job creation projects. Selection and approval of applications for zero-interest loans and grants rests solely within the discretion of the Administrator. (See 7 CFR part 1703.)

4. Section 1700.25 is revised to read as follows:

§ 1700.25 Other loan authorities.

(a) The Administrator has authority under section 314 of the RE Act to guarantee 90 percent of the principal and interest of loans made by qualified private lenders to finance electric and telephone facilities in rural areas. (See 7 CFR parts 1712 and 1739.) The Administrator also has authority under section 502 of the RE Act to make grants and reduced interest loans to promote business incubator programs or for the creation or operation of business incubators in rural areas. Authority is also granted to the Administrator by the Rural Economic Development Act of 1990 (7 U.S.C. 950aaa *et seq.*) to provide financial assistance for distance learning and medical link programs.

(b) The Administrator has authority under section 5 of the RE Act to make loans to electric borrowers for the purpose of financing the wiring of the premises of persons in rural areas and for the purchase and installation of electrical and plumbing appliances and equipment, including machinery. The Administrator also has authority under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*) to finance community antenna television (CATV) services and facilities. Funds have not been appropriated for these purposes since 1969 in the case of section 5 loans and not since 1981 in the case of CATV loans.

Dated: February 3, 1992.

Michael M.F. Liu,

Acting Administrator.

[FR Doc. 92-3105 Filed 2-21-92; 8:45 am]

BILLING CODE 3410-15-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Regulations; Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice to waive the "Nonmanufacturer Rule" for multiple products.

SUMMARY: This notice advises the public that the Small Business Administration (SBA) is establishing a waiver of the "Nonmanufacturer Rule" for the classes of products listed in the **SUPPLEMENTARY INFORMATION** section. Waivers are being granted for these classes of products because no small business manufacturer or processor is available to participate in the Federal procurement market. The effect of a waiver is to allow an otherwise qualified small business regular dealer to supply the product of any domestic manufacturer or processor on a Federal supply contract set aside for small business or awarded through the SBA 8(a) program.

EFFECTIVE DATE: February 24, 1992.

FOR FURTHER INFORMATION CONTACT: James Fairbairn, Industrial Specialist, phone (202) 205-6465.

SUPPLEMENTARY INFORMATION: SBA is establishing a waiver of the "Nonmanufacturer Rule" for the following classes of products:

SIC ¹	PSC ²	Classes of products granted waivers
3537	2320	Four wheel utility trucks.
3711	2420	Wheeled tractors.
3621	6105	Electric motors.
3699	6135	Nuclear batteries.
2819	6810	Calcium nitrate.
xxxx	6810	Hydrocarbon diluent.
2819	6810	Boric acid.
2873	6810	Nitric acid.
2819	6810	N-dodecane.
2819	6810	Hydrofluoric acid.
2869	6810	Methyl isobutyl ketone.
2812	6810	Sodium hydroxide.

¹ Standard Industrial Code.

² Products and Service code.

On November 15, 1988, Public Law 100-656 incorporated into the Small Business Act the existing SBA policy that recipients of contracts set aside for small business or the SBA 8(a) Program shall provide the products of small business manufacturers or processors. This requirement is commonly known as the "Nonmanufacturer Rule". The SBA regulations imposing this requirement are found in 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law also provided for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market. Section 210 of Public Law 101-574 subsequently amended the language to allow for waivers of classes of products where there are no small business manufacturers or processors "available to participate in the Federal procurement market." (emphasis added). A class of products is considered to be a particular Product and Service Code (PSC) under the Federal Procurement Data System or an

SBA recognized product line within a PSC. To be considered available to participate in the Federal procurement market, a small business must have been awarded a contract by the Federal government to supply that particular class of products, either directly or through a dealer, or offered on a solicitation within the past two years from the date of request for waiver. SBA has been requested to issue a waiver for each of the classes of products listed above because of an apparent lack of any small business manufacturers or processors available to participate in the Federal procurement market. SBA searched its Procurement Automated Source System (PASS) for small business manufacturers or processors. None were identified as available to participate in the Federal procurement market. We then published a notice to the public in the Federal Register on October 29, 1991 (56 FR 55637) stating our intention to grant waivers for these classes of products unless sources were found. The notice described the legal provisions for a waiver, how SBA defines "available to participate in the Federal procurement market", and requested information on small business manufacturers or processors for these classes of products.

Due to administrative error, the PSC of four wheel drive utility trucks was incorrectly listed in the notice of intent to waive the Rule on October 29, 1991. That error was corrected by notice to the public in the Federal Register on November 26, 1991 (FR 56 59902). The proper PSC is 2320.

We received only one comment letter in response to the notice of proposed intent to issue waivers. The General Services Administration (GSA) recommended that a waiver not be granted for passenger automobiles. The issues raised by GSA are complex and require further study. The final disposition of passenger automobiles will, therefore, be the subject of separate action. All other classes of products identified in the notice of proposed intent are included in this notice of final waiver. These waivers are thus granted pursuant to statutory authority under section 210 of Public Law 101-574. A waiver is for an indefinite period, but is subject to an annual review or upon receipt of information indicating that the conditions justifying a waiver no longer exist. If SBA determines that the conditions justifying a waiver no longer exist, the waiver will be terminated. That termination will be published in the Federal Register.

Dated: February 4, 1992.
 Robert J. Moffitt,
 Chairman, Size Policy Board.
 [FR Doc. 92-3689 Filed 2-21-92; 8:45 am]
 BILLING CODE 9025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8396]

RIN 1545-AP69

Conclusive Presumption of Worthlessness of Debts Held by Banks

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to a bank's determination of worthlessness of a debt. These regulations provide greater certainty in the treatment of bank bad debts, by providing for a conclusive presumption of worthlessness of debts based on the application of a single set of standards for both regulatory and tax accounting purposes.

EFFECTIVE DATE: These regulations are effective for taxable years ending on or after December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Bernita L. Thigpen, telephone 202-566-3516 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1545-1254. The estimated average annual burden per respondent to complete form 3115 is 26.96 hours.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington DC, 20224, and to the Office of Management and Budget, Attn: Desk

Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC, 20503.

Background

On May 29, 1991, the Internal Revenue Service published proposed regulations under section 166 of the Internal Revenue Code of 1986 in the Federal Register (56 FR 24154). Written comments on those proposed regulations were received from the public. On August 9, 1991, a public hearing was held concerning the regulations. After consideration of all of the written comments received and the statements made at the public hearing, the proposed regulations are adopted as modified by this Treasury Decision.

Explanation of Provisions

Section 166 of the Internal Revenue Code and the regulations thereunder allow a deduction for a business debt that becomes wholly or partially worthless within the taxable year, if certain requirements are met. All pertinent evidence, including the value of any collateral securing the debt and the financial condition of the debtor, generally is taken into account in determining worthlessness. See § 1.166-2(a).

The existing regulations provide a special rule (the "existing presumption") for banks (and certain other regulated corporations), under which a debt charged off in a taxable year is conclusively presumed to have become worthless in that year if the charge-off is in obedience to a specific order of the bank's supervisory authority, or in accordance with regulatory policy provided that the supervisory authority confirms in writing upon its first audit subsequent to the charge-off that the charge-off would have been ordered had the bank been audited on the date of the charge-off. See § 1.166-2(d)(1).

Sections 1.166-2(d)(3) and (4) were proposed to provide new special rules permitting a supervised bank (including a thrift institution) to elect a method of accounting under which it may conform its tax accounting for bad debts to its regulatory accounting, provided certain conditions are satisfied. Under these rules, debts that are charged off pursuant to specific orders of the bank's supervisory authority or that are classified by the bank as loss assets under applicable regulatory standards are conclusively presumed to have become worthless in the taxable year of the charge-offs (the "conformity presumption"). The extent to which the proposed regulations have been

modified in response to comments received is described below.

Comments on Specific Provisions

Prop. Reg. § 1.166-2(d)(3)(i): Conformity Election

Under the proposed regulations, the conformity election is available only to banks, as defined in proposed § 1.166-2(d)(4)(i). Several commentators suggested that the election also be made available to non-bank affiliates of a bank, including a bank's subsidiaries and its holding company, because these non-bank affiliates are subject to supervision by the bank's supervisory authority. The commentators argued that these regulated non-banks should be eligible for the conformity presumption because they are eligible for the existing presumption under § 1.166-2(d)(1), which applies more generally to banks and certain other regulated corporations.

The Treasury Department's study on the appropriate criteria to be used in determining whether a debt is worthless for Federal income tax purposes concludes that the regulatory criteria governing the charge-off of debts by banks are sufficiently similar to the criteria for worthlessness under section 166 to make regulatory criteria and examination by the regulatory authorities an acceptable surrogate for an independent investigation by the Internal Revenue Service. See Report to the Congress on the Tax Treatment of Bad Debts by Financial Institutions at 19-24 (Treasury Department, September 1991). The same degree of acceptability has not been demonstrated overall with respect to regulated corporations other than banks, nor is there any appropriate basis for attempting to distinguish among the various non-banks based on the level of regulatory scrutiny. Moreover, the existing presumption remains available to regulated corporations that are not banks and, thus, do not qualify for the new conformity election. Accordingly, the final regulations retain the rule of the proposed regulations.

Prop. Reg. § 1.166-2(d)(3)(ii): Conclusive Presumption

a. Loss classification. The proposed regulations generally provide that a debt charged off by a bank, in whole or in part, for regulatory purposes is conclusively presumed to have become worthless for tax purposes in the year it is charged off, provided the charge-off results from a specific order of the bank's supervisory authority or corresponds to the bank's classification

of that debt as a loss asset for regulatory purposes. Commentators requested that the conformity presumption also be applied to assets that are treated as debts for tax purposes, even if the assets are not so treated for regulatory purposes and, therefore, are not subject to regulatory loss classification standards. In particular, commentators requested that the conformity presumption apply to loans accounted for on a cost recovery basis, interest accrual reversals, and in-substance foreclosures. Other commentators argued that the conformity presumption should be extended to charge-offs of debts that are classified as substandard or doubtful, rather than loss, or to debts that are classified as doubtful when charged off, but that become loss assets by year-end.

The final regulations do not adopt these comments. The regulations limit the conformity presumption to debts classified as loss assets for regulatory purposes because the regulatory standards for classification of debts as loss assets are similar to the tax standards for determining worthlessness. See Report to the Congress on the Tax Treatment of Bad Debts by Financial Institutions, *supra*. If there were no requirement that a debt be classified as a loss asset for regulatory purposes, there would be no assurance that the charge-off was based on criteria that were consistent with Federal income tax principals and the bad debt deduction could be premature or excessive.

b. Debts charged off in wrong year. Commentators also asked for guidance on the tax treatment of a debt that is charged off in one year, when a bank's supervisory authority subsequently determines it should have been charged off in an earlier year. The commentators suggested that the debt should be presumed worthless for tax purposes in the year of the charge-off rather than in the earlier year, despite the after-the-fact determination by the supervisory authority.

It is consistent with the concept of a conclusive presumption that a bank be permitted to claim a tax deduction for a debt charge-off for a year in which the bank satisfies the requirements of the presumption, notwithstanding that its regulator subsequently determines that the charge-off should have been made in an earlier year. Accordingly, the final regulations provide that a charge-off qualifies for the presumption in the year of the charge-off, provided the requirements of the regulations are otherwise satisfied. A pattern of charge-offs in the wrong year, however, may

result in revocation of the bank's election.

Prop. Reg. § 1.166-2(d)(3)(iii):
Requirements

a. Express determination. The proposed regulations provide that a bank qualifies for the conformity presumption only if its supervisory authority expressly determines, in connection with its most recent examination involving the bank's loan review process, that the bank maintains and applies loan review and loss classification standards that are consistent with those of the supervisory authority. Commentators requested guidance as to the form of the express determination and suggested that it be a standardized document that is separate from the confidential bank examination report. Commentators also asked that the regulations clarify which of a bank's supervisory authorities is required to provide the express determination in the case of a bank that is regulated by more than one supervisory authority. In addition, commentators suggested that relief be provided if the supervisory authority inadvertently fails to provide the determination.

In response to these comments, the Internal Revenue Service is releasing concurrently with these regulations a revenue procedure (Rev. Proc. 92-18, to be published in Internal Revenue Bulletin No. 1992-10, (March 9, 1992)) that sets forth the form and content of the express determination required by these regulations. Pursuant to Rev. Proc. 92-18, the determination is to be in the form of a letter, signed by the examiner-in-charge, that is not part of a bank's confidential examination report. In addition, the final regulations clarify that the express determination is to be provided by the supervisory authority that is the "appropriate Federal banking agency" as that term is defined in 12 U.S.C. 1813(g). (The supervisory authority is the Farm Credit Administration in the case of a bank that is an institution in the Farm Credit System. See the discussion under subheading "Definition of 'bank'" in this preamble, below.) The regulations, however, do not provide relief for an inadvertent failure of the supervisory authority to issue an express determination letter. Service examiners generally will not know whether the failure to issue the letter was intentional or inadvertent.

b. Deduction required. Commentators objected to the requirement that banks claim a deduction for all debts that qualify for the conformity presumption in the year the debts are charged off. More specifically, they requested that

this requirement not apply in the case of partially worthless debts because, under existing rules, a bank may claim a deduction for a partially worthless debt in the year it charges off the debt or in a later year until the debt becomes totally worthless.

The conformity presumption provides greater certainty and consistency in the tax treatment of bank bad debts by permitting a bank to elect to conform its tax accounting for bad debts to its regulatory accounting. Permitting a bank to claim a bad debt deduction for a year subsequent to the year in which a debt is charged off as worthless for regulatory purposes is inconsistent with tax-book conformity. The final regulations, therefore, continue the rule of the proposed regulations on this point.

In addition, the final regulations provide that, if a conformity election is in effect, a bad debt deduction for a debt that is subject to regulatory loss classification standards is allowed for a taxable year only to the extent that the debt is conclusively presumed to have become worthless under the presumption during that year. Only debt charge-offs that are outside the scope of the conclusive presumption because the debts are not subject to regulatory loss classification standards may be accounted for under the general rules of section 166. The proposed regulations cited reporting standards proposed by the Federal Financial Institutions Examination Council as an example of a situation in which debts would be outside the scope of the conclusive presumption. These proposed standards, however, have been withdrawn. See 56 FR 37214 (8-5-91). Most debts are subject to regulatory loss classification standards. Therefore, if a bank makes the conformity election, deductions will be allowed for such debts only for the year in which the debts are conclusively presumed to become worthless under these regulations.

Prop. Reg. § 1.166-2(d)(3)(iv): Election

a. Effective date. The conformity election was proposed to be available for taxable years ending after finalization of the regulations. Commentators requested that the regulations be effective retroactively for taxable years beginning after December 31, 1986. These commentators stated that the repeal of the section 585(b) reserve method of accounting for large banks for taxable years beginning after 1986 placed more of an emphasis on a bank's deductions for specific debts and increased the need for a conclusive presumption of worthlessness. In

addition, they argued that the Office of the Comptroller of the Currency (the "OCC") changed its practice during those years and did not provide written letters confirming voluntary charge-offs of specific debts.

The final regulations are effective for taxable years ending on or after December 31, 1991. Prior to the publication of the regulations, banks presumably did not precisely conform their bad debt deductions and their classification of debts as loss assets. Moreover, their supervisory authorities were not making express determinations that the banks maintained and applied loan review and loss classification standards that were consistent with those of the supervisory authorities. This is an essential element of the regulations and precludes their retroactive application.

b. Election requirements. Under the proposed regulations, a bank elects the conformity presumption for a taxable year (and all succeeding taxable years) by attaching a written statement to its return in which it declares that certain requirements of the regulations are satisfied and will continue to be satisfied until the election is revoked. Some commentators objected to the "future compliance" portion of the declaration. Others requested that banks be permitted to make the conformity election on a bank-by-bank basis, rather than on a group basis.

In response to these comments, the final regulations do not require a bank to represent its future intent when making an election. They do require, however, that the bank represent at the time the election is made that the express determination requirement is met. In addition, the final regulations clarify that the election is to be made on a bank-by-bank basis, rather than on a group basis. This is the approach taken when banks adopt the reserve or specific charge-off method of accounting for bad debts and when large banks that are required to change from the reserve method of accounting pursuant to section 585(c) make elections with respect to that change.

c. Method of accounting. Under the proposed regulations, the making or revoking of the conformity election is a change in the bank's method of accounting. Commentators suggested that the making of the conformity election is not a method change but a change in the manner in which the Service audits bad debts.

The making or revoking of the conformity election affects the treatment of a material item in that it changes the timing of a bank's bad debt deduction. Accordingly, the final regulations

continue to treat the making or revoking of the election as a change in method of accounting. Therefore, the regulations require that the bank file a Form 3115 (Application for change in Accounting Method) when it makes or revokes the election. When making the election, the bank must provide a declaration that it currently satisfies the express determination requirement in the space provided on the form for "Other changes in method of accounting" (Schedule D, Part V of Form 3115, as revised in July of 1991). The form for the initial election must be attached to the bank's income tax return for the year of the election, and the Commissioner's consent will be granted automatically. The final regulations also provide similar rules for a new bank that adopts this method of accounting when it adopts its overall method of accounting for bad debts. To make a conformity election after a previous election has been revoked or to voluntarily revoke the election, the bank must obtain the advance consent of the Commissioner by filing a Form 3115 with the National Office pursuant to section 446(e) and § 1.446-1(e) (including any applicable procedure prescribed thereunder).

The change in method of accounting that results from making or revoking the conformity election is implemented under a cut-off approach and no adjustment under section 481(a) is required or permitted. The final regulations provide a special rule for the situation in which the book and tax bases of a debt are not equal as a result of there having been a partial charge-off for regulatory purposes for which no tax deduction was claimed by the time of the conformity election. Under this rule, the deduction reflecting the partial charge-off must be claimed in the first post-election year in which there is any further charge-off of the debt for regulatory purposes.

d. Transition period. The proposed regulations provide a transition rule that permits a bank to make the conformity election prior to receiving its first express determination from its supervisory authority. The proposed rules require a bank to represent that its internal loan review and loss classification process was not criticized by its supervisory authority on its most recent regulatory examination. Many commentators stated that few banks, for various reasons, would be able to make this representation. In response to this comment, the final regulations replace the "no criticism" representation with a requirement that the bank represent that it maintains and applies loan review and loss classification standards that are consistent with those of its

supervisory authority, *i.e.*, its appropriate Federal banking agency.

Prop. Reg. § 1.166-2(d)(3)(v): Revocation by Commissioner

The proposed regulations authorize the Commissioner to revoke a conformity election, but only if the bank fails to satisfy the conformity requirements for any taxable year or if it has claimed deductions that exceed those warranted by the exercise of reasonable business judgment in applying the regulatory standards. Commentators argued that the Commissioner should not be authorized to revoke a conformity election if a bank substantially complies with the election's requirements. Commentators also requested clarification as to whether a bank's failure to satisfy the conformity requirements or a bank's claiming of excessive deductions automatically revoked the election or were merely grounds for revocation by the Commissioner.

A supervisory authority's express determination, as described in Rev. Proc. 92-18, permits some flexibility in the application of a bank's loan review and loss classification standards, in that immaterial deviations from regulatory standards in the case of individual loans do not preclude the issuance of an express determination. In view of this flexibility, the final regulations do not adopt a substantial compliance standard.

The final regulations clarify that a bank's claiming of excessive charge-offs and deductions under the conformity election is merely grounds for revocation of that election by the Commissioner and does not result in automatic revocation. The final regulations also clarify that the Commissioner may revoke a conformity election if a bank fails to follow the method of accounting dictated by the election.

The final regulations do provide, however, that an election is revoked automatically if a bank fails to obtain the requisite express determination. The revocation generally is effective as of the beginning of the taxable year that includes the date as of which the bank's loans were examined. If the bank relied on the transition rule for making the conformity election prior to its first opportunity to obtain an express determination, the revocation is effective as of the beginning of the taxable year of the bank's conformity election or, if later, the earliest taxable year for which tax may be assessed.

Prop. Reg. § 1.166-2(d)(4): Definitions

a. Definition of "bank". The proposed regulations define a "bank" with reference to section 581 and, therefore, the term does not include foreign banks. Commentators asked that the definition be broadened to include banks incorporated outside the United States that carry on a banking business effectively connected with the United States, and institutions in the Farm Credit System regulated by the Farm Credit Administration. In response to these comments, the final regulations expand the definition of "bank" to include banks described in section 585(a)(2)(B). Accordingly, foreign banks may qualify for the conformity presumption with respect to loans the interest on which is effectively connected with the conduct of a banking business within the United States. In addition, the final regulations treat institutions in the Farm Credit System as banks for purposes of the conformity election.

b. Definition of "charge-off". A "charge-off" is defined by the proposed regulations to include, for banks regulated by the Office of Thrift Supervision (the "OTS"), the establishment of specific allowances for loan losses in the amount of 100 percent of the portion of the debt classified as loss. Commentators stated that this definition should be expanded to cover specific reserves established by banks that are not regulated by the OTS. Commentators also requested that the definition of charge-off be expanded to cover allocated transfer risk reserves ("ATTRs").

Because OTS is the only supervisory authority that requires the establishment of specific reserves in lieu of actual write-downs of loans, it is not appropriate that these regulations broaden the definition of charge-off in the manner requested. Revenue Ruling 84-94, 1984-1 C.B. 34, provides that banks that are directed by the Federal banking agencies to establish ATTRs are treated as having been specifically ordered to charge off amounts in the ATTRs for purposes of the existing conclusive presumption under § 1.166-2(d)(1). Because this revenue ruling was issued prior to adoption of the conformity election, the Service is revising and republishing the ruling concurrently with the issuance of these final regulations to extend the holding to banks that make the conformity election. See Rev. Rul. 92-14, released concurrently with these regulations, to be published in Internal Revenue Bulletin 1992-10, (March 9, 1992).

Interest on Nonperforming Loans

Several commentators requested that the conformity presumption be extended to the nonaccrual of interest on nonperforming loans. This issue is beyond the scope of these regulations. For an in-depth analysis of the appropriateness of applying a tax-book conformity standard to interest accruals on nonperforming loans, see Report to the Congress on the Tax Treatment of Bad Debts by Financial Institutions, *supra*.

Special Analyses.

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Bernita L. Thigpen, Office of the Assistant Chief Counsel (Financial Institutions and Products), Internal Revenue Service. However, personnel from other offices of the IRS and Treasury Department participated in their development.

List of Subjects*26 CFR 1.161-1 Through 1.194-4*

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, title 26, chapter I, parts 1 and 602 of the Code of Federal Regulations are amended as follows:

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

Paragraph 1. The authority for part 1 continues to read in part:

Authority: Sec. 7805, 88A Stat. 917 (26 U.S.C. 7805) * * *

Par. 2. Section 1.166-2 is amended by adding new paragraphs (d)(3) and (d)(4) to read as follows:

§ 1.166-2 Evidence of worthlessness.

* * * * *

(d) * * *

(3) *Conformity election—(i) Eligibility for election.* In lieu of applying paragraphs (d)(1) and (2) of this section, a bank (as defined in paragraph (d)(4)(i) of this section) that is subject to supervision by Federal authorities, or by state authorities maintaining substantially equivalent standards, may elect under this paragraph (d)(3) to use a method of accounting that establishes a conclusive presumption of worthlessness for debts, provided that the bank meets the express determination requirement of paragraph (d)(3)(iii)(D) of this section for the taxable year of the election.

(ii) *Conclusive presumption—(A) In general.* If a bank satisfies the express determination requirement of paragraph (d)(3)(iii)(D) of this section and elects to use the method of accounting under this paragraph (d)(3)—

(1) Debts charged off, in whole or in part, for regulatory purposes during a taxable year are conclusively presumed to have become worthless, or worthless only in part, as the case may be, during that year, but only if the charge-off results from a specific order of the bank's supervisory authority or corresponds to the bank's classification of the debt, in whole or in part, as a loss asset, as described in paragraph (d)(3)(ii)(C) of this section; and

(2) a bad debt deduction for a debt that is subject to regulatory loss classification standards is allowed for a taxable year only to the extent that the debt is conclusively presumed to have become worthless under paragraph (d)(3)(ii)(A)(1) of this section during that year.

(B) *Charge-off should have been made in earlier year.* The conclusive presumption that a debt is worthless in the year that it is charged off for regulatory purposes applies even if the bank's supervisory authority determines in a subsequent year that the charge-off should have been made in an earlier year. A pattern of charge-offs in the wrong year, however, may result in revocation of the bank's election by the Commissioner pursuant to paragraph (d)(3)(iv)(D) of this section.

(C) *Loss asset defined.* A debt is classified as a loss asset by a bank if the bank assigns the debt to a class that corresponds to a loss asset classification under the standards set forth in the "Uniform Agreement on the

Classification of Assets and Securities Held by Banks" (See Attachment to Comptroller of the Currency Banking Circular No. 127, Rev. 4-26-91, Comptroller of the Currency, Communications Department, Washington, DC 20219) or similar guidance issued by the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve, or the Farm Credit Administration; or for institutions under the supervision of the Office of Thrift Supervision, 12 CFR 563.160(b)(3).

(iii) *Election*—(A) *In general.* An election under this paragraph (d)(3) is to be made on bank-by-bank basis and constitutes either the adoption of or a change in method of accounting, depending on the particular bank's facts. A change in method of accounting that results from the making of an election under this paragraph (d)(3) has the effects described in paragraph (d)(3)(iii)(B) of this section.

(B) *Effect of change in method of accounting.* A change in method of accounting resulting from an election under this paragraph (d)(3) does not require or permit an adjustment under section 481(a). Under this cut-off approach—

(1) There is no change in the § 1.1011-1 adjusted basis of the bank's existing debts (as determined under the bank's former method of accounting for bad debts) as a result of the change in method of accounting;

(2) With respect to debts that are subject to regulatory loss classification standards and are held by the bank at the beginning of the year of change (to the extent that they have not been charged off for regulatory purposes), and with respect to debts subject to regulatory loss classification standards that are originated or acquired subsequent to the beginning of the year of change, bad debt deductions in the year of change and thereafter are determined under the method of accounting for bad debts prescribed by this paragraph (d)(3);

(3) With respect to debts that are not subject to regulatory loss classification standards or that have been totally charged off prior to the year of change, bad debt deductions are determined under the general rules of section 166; and

(4) If there was any partial charge-off of a debt in a prechange year, any portion of which was not claimed as a deduction, the deduction reflecting that partial charge-off must be taken in the first year in which there is any further charge-off of the debt for regulatory purposes.

(C) *Procedures*—(1) *In general.* A new bank adopts the method of accounting under this paragraph (d)(3) for any taxable year ending on or after December 31, 1991 (and for all subsequent taxable years) when it adopts its overall method of accounting for bad debts, by attaching a statement to this effect to its income tax return for that year. Any other bank makes an election for any taxable year ending on or after December 31, 1991 (and for all subsequent taxable years) by filing a completed Form 3115 (Application for Change in Accounting Method) in accordance with the rules of paragraph (d)(3)(iii)(C)(2) or (3) of this section. The statement or Form 3115 must include the name, address, and taxpayer identification number of the electing bank and contain a declaration that the express determination requirement of paragraph (d)(3)(iii)(D) of this section is satisfied for the taxable year of the election. When a Form 3115 is used, the declaration must be made in the space provided on the form for "Other changes in method of accounting." The words "ELECTION UNDER § 1.166-2(d)(3)" must be typed or legibly printed at the top of the statement or page 1 of the Form 3115.

(2) *First election.* The first time a bank makes this election, the statement or Form 3115 must be attached to the bank's timely filed return (taking into account extensions of time to file) for the first taxable year covered by the election. The consent of the Commissioner to make a change in method of accounting under this paragraph (d)(3) is granted, pursuant to section 446(e), to any bank that makes the election in accordance with this paragraph (d)(3)(iii)(C), provided the bank has not made a prior election under this paragraph (d)(3).

(3) *Subsequent elections.* The advance consent of the Commissioner is required to make any election under this paragraph (d)(3) after a previous election has been revoked pursuant to paragraph (d)(3)(iv) of this section. This consent must be requested under the procedures, terms, and conditions prescribed under the authority of section 446(e) and § 1.446-1(e) for requesting a change in method of accounting.

(D) *Express determination requirement.* In connection with its most recent examination involving the bank's loan review process, the bank's supervisory authority must have made an express determination (in accordance with any applicable administrative procedure prescribed hereunder) that the bank maintains and applies loan review and loss classification standards

that are consistent with the regulatory standards of that supervisory authority. For purposes of this paragraph (d)(3)(iii)(D), the supervisory authority of a bank is the "appropriate Federal banking agency" for the bank, as that term is defined in 12 U.S.C. 1813(q) or, in the case of an institution in the Farm Credit System, the Farm Credit Administration.

(E) *Transition period election.* For taxable years ending before completion of the first examination of the bank by its supervisory authority (as defined in paragraph (d)(3)(iii)(D) of this section) that is after December 31, 1991, and that involves the bank's loan review process, the statement or Form 3115 filed by the bank must include a declaration that the bank maintains and applies loan review and loss classification standards that are consistent with the regulatory standards of that supervisory authority. A bank that makes this declaration is deemed to satisfy the express determination requirement of paragraph (d)(3)(iii)(D) of this section for those years, even though an express determination has not yet been made.

(iv) *Revocation of Election*—(A) *In general.* Revocation of an election under this paragraph (d)(3) constitutes a change in method of accounting that has the effects described in paragraph (d)(3)(iv)(B) of this section. If an election under this paragraph (d)(3) has been revoked, a bank may make a subsequent election only under the provisions of paragraph (d)(3)(iii)(C)(3) of this section.

(B) *Effect of change in method of accounting.* A change in method of accounting resulting from revocation of an election under this paragraph (d)(3) does not require or permit an adjustment under section 481(a). Under this cut-off approach—

(1) There is no change in the § 1.1011-1 adjusted basis of the bank's existing debts (as determined under this paragraph (d)(3) method or any other former method of accounting used by the bank with respect to its bad debts) as a result of the change in method of accounting; and

(2) Bad debt deductions in the year of change and thereafter with respect to all debts held by the bank, whether in existence at the beginning of the year of change or subsequently originated or acquired, are determined under the new method of accounting.

(C) *Automatic revocation*—(1) *In general.*—A bank's election under this paragraph (d)(3) is revoked automatically if, in connection with any examination involving the bank's loan

review process by the bank's supervisory authority as defined in paragraph (d)(3)(iii)(D) of this section, the bank does not obtain the express determination required by that paragraph.

(2) *Year of revocation.* If a bank makes the conformity election under the transition rules of paragraph (d)(3)(iii)(E) of this section and does not obtain the express determination in connection with the first examination involving the bank's loan review process that is after December 31, 1991, the election is revoked as of the beginning of the taxable year of the election or, if later, the earliest taxable year for which tax may be assessed. In other cases in which a bank does not obtain an express determination in connection with an examination of its loan review process, the election is revoked as of the beginning of the taxable year that includes the date as of which the supervisory authority conducts the examination, even if the examination is completed in the following taxable year.

(3) *Consent granted.* Under the Commissioner's authority in section 446(e) and § 1.446-1(e), the bank is directed to and is granted consent to change from this paragraph (3)(1) method as of the year of revocation (year of change) prescribed by paragraph (d)(3)(iv)(C)(2) of this section.

(4) *Requirements.* A bank changing its method of accounting under the automatic revocation rules of this paragraph (d)(3)(iv)(C) must attach a completed Form 3115 to its income tax return for the year of revocation prescribed by paragraph (d)(3)(iv)(C)(2) of this section. The words "REVOCATION OF § 1.166-2(d)(3) ELECTION" must be typed or legibly printed at the top of page 1 of the Form 3115. If the year of revocation is a year for which the bank has already filed its income tax return, the bank must file an amended return for that year reflecting its change in method of accounting and must attach the completed Form 3115 to that amended return. The bank also must file amended returns reflecting the new method of accounting for all subsequent taxable years for which returns have been filed and tax may be assessed.

(D) *Revocation by Commissioner.* An election under this paragraph (d)(3) may be revoked by the Commissioner as of the beginning of any taxable year for which a bank fails to follow the method of accounting prescribed by this paragraph. In addition, the Commissioner may revoke an election as of the beginning of any taxable year for which the Commissioner determines that a bank has taken charge-offs and

deductions that, under all facts and circumstances existing at the time, were substantially in excess of those warranted by the exercise of reasonable business judgment in applying the regulatory standards of the bank's supervisory authority as defined in paragraph (d)(3)(iii)(D) of this section.

(E) *Voluntary revocation.* A bank may apply for revocation of its election made under this paragraph (d)(3) by timely filing a completed Form 3115 for the appropriate year and obtaining the consent of the Commissioner in accordance with section 446(e) and § 1.446-1(e) (including any applicable administrative procedures prescribed thereunder). The words "REVOCATION OF § 1.166-2(d)(3) ELECTION" must be typed or legibly printed at the top of page 1 of the Form 3115. If any bank has had its election automatically revoked pursuant to paragraph (d)(3)(iv)(C) of this section and has not changed its method of accounting in accordance with the requirements of that paragraph, the Commissioner will require that any voluntary change in method of accounting under this paragraph (d)(3)(iv)(E) be implemented retroactively pursuant to the same amended return terms and conditions as are prescribed by paragraph (d)(3)(iv)(C) of this section.

(4) *Definitions.* For purposes of this paragraph (d)—

(i) *Bank.* The term "bank" has the meaning assigned to it by section 581. The term "bank" also includes any corporation that would be a bank within the meaning of section 581 except for the fact that it is a foreign corporation, but this paragraph (d) applies only with respect to loans the interest on which is effectively connected with the conduct of a banking business within the United States. In addition, the term "bank" includes a Farm Credit System institution that is subject to supervision by the Farm Credit Administration.

(ii) *Charge-off.* For banks regulated by the Office of Thrift Supervision, the term "charge-off" includes the establishment of specific allowances for loan losses in the amount of 100 percent of the portion of the debt classified as loss.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 3. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 4. Section 602.101(c) is amended by adding the following entry to the table, "1.166-2 . . . 1545-1254".

Michael J. Murphy,

Acting Commissioner of Internal Revenue.

Approved: January 15, 1992.

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 92-4088 Filed 2-21-92; 8:45 am]

BILLING CODE 4830-01-M

Office of Foreign Assets Control

31 CFR Parts 500, 515, 520, 535, and 575

Foreign Assets Control Regulations, Cuban Assets Control Regulations, Foreign Funds Control Regulations, Iranian Assets Control Regulations, and Iraqi Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule, amendments.

SUMMARY: This rule amends the Foreign Assets Control Regulations, 31 CFR part 500, the Cuban Assets Control Regulations, 31 CFR part 515, the Foreign Funds Control Regulations, 31 CFR part 520, the Iranian Assets Control Regulations, 31 CFR part 535, and the Iraqi Sanctions Regulations, 31 CFR part 575 (collectively, the "Regulations"), to publish the authorization number assigned by the Office of Management and Budget to the information collection requirements contained in the Regulations.

EFFECTIVE DATE: December 19, 1991.

FOR FURTHER INFORMATION: William B. Hoffman, Chief Counsel (tel.: 202/535-6020), or Steven I. Pinter, Chief of Licensing (tel.: 202/535-9449), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: Pursuant to the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501, the Office of Foreign Assets has sought and received approval from the Office of Management and Budget for the information collection requirements of the Regulations. The authorization number reflecting this approval is being inserted into the Regulations.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no

notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

List of subjects in 31 CFR Parts 500, 515, 520, 535 and 575

Administrative practice and procedure.

For the reasons set forth in the preamble, 31 CFR Parts 500, 515, 520, 535 and 575 are amended as follows:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. The authority citation for part 500 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; E.O. 9193, 7 FR 5205, 3 CFR 1938-1943 Cum. Supp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748.

Subpart H—Miscellaneous Provisions

§ 500.901 Paperwork Reduction Act notice.

2. In § 500.901, remove control number "1505-0075" and add control number "1505-0096" in its place.

PART 515—CUBAN ASSETS CONTROL REGULATIONS

1. The authority citation for part 515 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; 22 U.S.C. 2370(a); Proc. 3447, 27 FR 1085, 3 CFR, 1959-1963 Comp.; E.O. 9193, 7 FR 5205, 3 CFR 1938-1943 Cum. Supp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748.

Subpart I—Miscellaneous Provisions

2. Section 515.901 is revised to read as follows:

§ 515.901 Paperwork Reduction Act notice.

The information collection requirements in §§ 515.527(c), 515.542(c), 515.543, 515.544(a) and (b), 515.545(a)(1) and (2), 515.545(b), 515.546, 515.547, 515.548, 515.549(a) and (b), 515.550, 515.551(a)(1), (2), and (3), 515.552(a)(1), (2), and (3), 515.553, 515.554, 515.555, 515.556, 515.557, 515.558, 515.559, 515.560(i), 515.563(d), 515.565, and 515.801 have been approved by the Office of Management and Budget under the Paperwork Reduction Act and assigned control number 1505-0096. Collection of information on TDF 90-22.39, "Declaration, Travel to Cuba," has been approved by the Office of Management and Budget under the Paperwork Reduction Act and assigned control number 1505-0118.

PART 520—FOREIGN FUNDS CONTROL REGULATIONS

1. The authority citation for part 520 is revised to read as follows:

Authority: 50 U.S.C. App. 5, as amended; E.O. 8389, 5 FR 1400, as amended by E.O. 8785, 6 FR 2897, E.O. 8832, 6 FR 3715, E.O. 8963, 6 FR 2897, E.O. 8832, 6 FR 3715, E.O. 8963, 6 FR 6348, E.O. 8998, 6 FR 6785, E.O. 9193, 7 FR 5205; 3 CFR, 1938-1943 Cum. Supp., p. 1174; E.O. 10348, 17 FR 3769, 3 CFR, 1949-1953 Comp., p. 871; E.O. 11281, 31 FR 7215, 3 CFR, 1966-1970 Comp., p. 546.

Subpart I—Miscellaneous Provisions

§ 520.901 Paperwork Reduction Act notice.

2. In § 520.901, remove control number "1505-0075" and add control number "1505-0096" in its place.

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

1. The authority citation for part 535 continues to read as follows:

Authority: Secs. 201-207, 91 Stat. 1628; 50 U.S.C. 1701-1706; E.O. 12170, 44 FR 65729; E.O. 12205, 45 FR 24099; E.O. 12211, 45 FR 26685.

Subpart I—Miscellaneous Provisions

§ 535.905 Paperwork Reduction Act notice.

2. Remove control number "1505-0075" and add in its place control number "1505-0096."

PART 575—THE IRAQI SANCTIONS REGULATIONS

1. The Authority citation for part 575 continues to read as follows:

Authority: 50 U.S.C. *et seq.*; 50 U.S.C. 1601 *et seq.*; 22 U.S.C. 287c; Public Law 101-513, 104 Stat. 2047-55 (Nov. 5, 1990); 3 U.S.C. 301; E.O. 12722, 55 FR 31803 (August 3, 1990); E.O. 12724, 55 FR 33089 (August 13, 1990).

Subpart I—Paperwork Reduction Act

2. Section 575.901 is added to read as follows:

§ 575.901 Paperwork Reduction Act notice.

The information collection requirements in §§ 575.202(d), 575.503, 575.506, 575.509-575.511, 575.517, 575.518, 575.520, 575.521, 575.601, 575.602, 575.603, 575.703, and 575.801 have been approved by the Office of Management and Budget and assigned control number 1505-0130. The information collection requirements of § 575.604 and the use of agency form TDF 90-22.40 have been approved by the Office of Management and Budget and assigned control number 1505-0128. The information collection requirements of § 575.605 and the use of

agency form 90-22.41 have been approved by the Office of Management and Budget and assigned control number 1505-0129.

Dated: January 23, 1992.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: January 27, 1992.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92-4114 Filed 2-19-92; 10:21 am]

BILLING CODE 4810-25-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 911194-1294]

Summer Flounder Fishery; Correction

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

ACTION: Emergency interim rule; correction.

SUMMARY: This document corrects errors in the emergency interim rule for the Fishery Management Plan for the Summer Flounder Fishery, which was published December 5, 1991 (56 FR 63685).

EFFECTIVE DATE: December 2, 1991 through March 5, 1992.

FOR FURTHER INFORMATION CONTACT: Richard G. Seamans, Jr., Senior Resource Policy Analyst, 508/281-9244, or Phil Williams, NMFS, National Sea Turtle Coordinator, 301/713-2322.

In rule document 91-29179 beginning on page 63685, in the issue of Thursday, December 5, 1991, make the following corrections to the **SUPPLEMENTARY INFORMATION** section:

1. On page 63686, under the heading "Sea Turtle Conservation," in the third column, on the 21st line from the bottom, remove the words "Street, 1987"; and on the third line from the bottom, remove "Ross, *et al.*, 1990; Ross, 1991".

2. On page 63687, in the first column, on the seventh line from the top of the page, insert "(Ross *et al.*, 1990; Ross, 1991)" after the words "turtle increases".

3. On page 63687, in the first column, replace the paragraph beginning on the eighth line from the top of the page, with the following paragraph: "In November and December, 1982, 144 sea turtles stranded on North Carolina beaches, including five Kemp's ridleys (Crouse, 1985). The National Academy of Sciences report, *The Decline of Sea Turtle: Causes and Prevention*, analyzed

sea turtle stranding data from 1980-1986 from North Carolina ocean beaches and concluded that winter mortality of sea turtles in this area might be caused by groundfish trawling or cold stunning north of Cape Hatteras."

4. On page 63683, under the heading "Sea Turtle Conservation Measures," in the second column, on the 31st line from the bottom, insert the words "and Virginia in the EEZ" after the words "North Carolina".

Dated: February 18, 1992.

Samuel W. McKeen,
*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 92-4176 Filed 2-21-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 57, No. 36

Monday, February 24, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter 1

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the fourth quarter, October through December, of 1991. The agenda is issued to provide the public with information about NRC's rulemaking activities. The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG-0936) Vol. 10, No. 4, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 512-2303 or (202) 512-2249 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 492-7758, toll-free number (800) 368-5642.

Dated at Bethesda, Maryland, this 13th day of February 1992.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,
Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 92-4174 Filed 2-21-92; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Chapter 1

Special Review of NRC Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comments.

SUMMARY: The Nuclear Regulatory Commission (NRC) is seeking public comment in connection with a special review of NRC regulations to determine whether regulatory burdens can be reduced without in any way reducing the protection for public health and safety and the common defense and security. The special review was directed by the Commission in a memorandum issued to the NRC staff on February 7, 1992. The review will be conducted by the NRC Committee to Review Generic Requirements (CRGR). The CRGR review effort is to be completed by April 10, 1992.

This request for comments is related to an earlier request for comments published in the Federal Register on February 4, 1992 (57 FR 4166), on the results of NRC's continuing, long term program to identify and eliminate regulatory requirements of marginal safety importance. Interested parties may wish to consider the information in the February 4, 1992 notice in developing a response to this request. The special review by CRGR will draw upon the results of that program (and any other relevant prior reviews identified).

DATES: Comment period expires March 6, 1992. To assure timely consideration in the context of the special review of regulations by CRGR, comments submitted in response to this notice must be received by close-of-business (COB), on March 6, 1992. (Because of the short response time, comments submitted in response to this notice that are received after COB on March 6, 1992, will receive consideration as comments in response to the February 4 notice, if applicable, and if received before expiration of the comment period specified in the February 4 notice.)

ADDRESSES: Mail comments to: David L. Meyer, Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may be hand-delivered to: Room P-223, 7920 Norfolk Avenue, Bethesda, Maryland, between 7:30 am. and 4:15 pm., Federal workdays.

FOR FURTHER INFORMATION CONTACT: James Conran or Dennis Allison, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. (301) 492-9855 or (301) 492-4148.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) has directed that existing NRC regulations be reviewed to determine whether regulatory burdens can be reduced without in any way reducing the protection for public health and safety and the common defense and security. Guidance on how the NRC staff is to proceed in undertaking this effort was provided in a memorandum to the staff issued by the Commission on February 7, 1992. The Commission's memorandum noted:

On January 28, 1992, President Bush issued two memoranda relating to regulatory reviews. In the first memorandum, the President requested the Commission and other energy and environmental agencies to work together to streamline duplicative or inconsistent regulatory requirements. In the second memorandum, the President requested all Federal agencies to set aside a 90 day period to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth. New regulations are not to be issued in proposed or final form during this review period unless certain specified criteria are met.

While it is not clear that a response by an independent regulatory agency is mandatory, the Commission nevertheless believes that it can address many aspects and the spirit of the memoranda without violating our basic statutory responsibilities. This memorandum provides guidance on how this will be done.

The Commission's memorandum directed the NRC Committee on Review of Generic Requirements (CRGR) to conduct a review of existing NRC regulations to determine whether regulatory burdens can be reduced without in any way reducing the

protection of public health and safety and the common defense and security.

The NRC Committee to Review Generic Requirements (CRGR) was created in 1981 by the Commission to examine proposed new generic requirements and proposed changes to existing requirements for operating power reactors, to help assure that NRC actions do not impose unnecessary regulatory burdens. Because the CRGR and the Commission have carefully scrutinized generic regulatory requirements promulgated since that time, the primary focus of the special review to be conducted by CRGR will be on those NRC regulations promulgated prior to the creation of the CRGR, particularly those set forth in 10 CFR part 50.

In conducting this special review, the CRGR will use appropriate input from the public (including the industry and environmental groups), the NRC staff, and other Federal agencies. This special review by CRGR will also draw upon any relevant prior reviews, e.g., the NRC program to identify and eliminate requirements marginal to safety. The results of the NRC program to identify and eliminate requirements marginal to safety were described in an earlier notice published on February 4, 1992. Individuals who intend to submit comments regarding the special review of regulations by CRGR should be aware of the information in the February 4 notice, and should take into account that information in developing comments for the special review.

As a part of the special review by CRGR, a public meeting will be held in the Washington, DC area; that meeting is tentatively scheduled for March 27, 1992. Further details regarding this public meeting (i.e., exact meeting date, location, agenda, etc.) will be published in a subsequent notice prior to the meeting, as those details become available.

Interested parties are requested to provide comment on any consideration that bears significantly on the stated objectives of the special CRGR review. In doing so, commenters are requested to address the following questions (in addition to the specific questions posed for comment in the February 4, 1992, notice, as appropriate, and to the extent possible at this time):

1. Is it feasible for the NRC to consider early reduction or elimination of any existing requirements?
2. Are there likely candidates for early reduction or elimination identified in the earlier NRC staff study referred to in the February 4, 1992 notice? If so, what should be the priority (sequence and schedule) for their treatment?

3. Are there likely candidates for early reduction or elimination that were not identified in the earlier NRC staff study referred to in the February 4, 1992 notice?

4. Have adequate evaluations of safety importance and regulatory burden been completed for any identified potential candidates, including those identified by the NRC staff in the February 4, 1992 notice, or any new or different candidates identified by commenters in response to this notice?

Dated at Bethesda, Maryland, this 20th day of February, 1992.

For The Nuclear Regulatory Commission.
Edward L. Jordaa,
Director, Office for Analysis and Evaluation
of Operational Data.
[FR Doc. 92-4246 Filed 2-21-92; 8:45 am]
BILLING CODE 7590-01-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Freedom of Information Act

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Proposed rule.

SUMMARY: The Tennessee Valley Authority is proposing to amend its regulations to provide procedures for requesting a waiver or reduction of fees for records requested through the Freedom of Information Act.

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

ADDRESSES: Comments should be sent to Linda E. Blevins, Tennessee Valley Authority, 1101 Market Street (EB 4B), Chattanooga, TN 37402-2801. As a convenience to commenters, TVA will accept public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (615) 751-3010. Receipt of FAX transmittals will not be acknowledged.

FOR FURTHER INFORMATION CONTACT: Linda E. Blevins, (615) 751-2524.

SUPPLEMENTARY INFORMATION:

List of Subjects in 18 CFR Part 1301

Administrative practice and procedure, Freedom of Information Privacy Act, Sunshine Act.

For the reasons set forth in the preamble, title 18, chapter XIII of the Code of Federal Regulations is proposed to be amended as follows:

PART 1301—PROCEDURES

1. The authority citation for part 1301, subpart A, continues to read as follows:

Authority: 16 U.S.C. 831-831dd, 5 U.S.C. 552.

2. Section 1301.3 is added to read as follows:

§ 1301.3 Waiver or reduction of fees.

(a) Records responsive to a request under 5 U.S.C. 552 shall be furnished without charge or at a charge reduced below that established under section 1301.2 where TVA determines, based upon information provided by a requester in support of a fee waiver request or otherwise made known to TVA, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Requests for a waiver or reduction of fees, which shall be made at the same time as the requests for records, shall be considered on a case-by-case basis.

(b) In order to determine whether the first fee waiver requirement is met—i.e., that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government—TVA shall consider the following four factors in sequence:

(1) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government." The subject matter of the requested records, in the context of the request, must specifically concern identifiable operations or activities of the Federal Government—with a connection that is direct and clear, not remote or attenuated. Furthermore, the records must be sought for their informative value with respect to those government operations or activities; a request for access to records for their intrinsic informational content alone will not satisfy this threshold consideration.

(2) The informational value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities. The disclosable portions of the requested records must be meaningfully informative on specific government operations or activities in order to hold potential for contributing to increased public understanding of those operations and activities. The disclosure of information that already is in the public domain, in either a

duplicative or a substantially identical form, would not be likely to contribute to such understanding, as nothing new would be added to the public record.

(3) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding."

The disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. A requester's identity and qualification—e.g., expertise in the subject area and ability and intention to effectively convey information to the general public—should be considered. It reasonably may be presumed that a representative of the news media (as defined in paragraph 1301.2(b)(7)) who has access to the means of public dissemination readily will be able to satisfy this consideration. Requests from libraries or other record repositories (or requesters who intend merely to disseminate information to such institutions) shall be analyzed, like those of other requesters, to identify a particular person who represents that he actually will use the requested information in scholarly or other analytic work and then disseminate it to the general public.

(4) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. The public's understanding of the subject matter in question, as compared to the level of public understanding existing prior to the disclosure, must be likely to be enhanced by the disclosure to a significant extent. TVA shall not make separate value judgments as to whether information, even though it in fact would contribute significantly to public understanding of the operations or activities of the government, is "important" enough to be made public.

(c) In order to determine whether the second fee waiver requirement is met—i.e., that disclosure of the requested information is not primarily in the commercial interest of the requester—TVA shall consider the following two factors in sequence:

(1) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure. TVA shall consider all commercial interests of the requester (with reference to the definition of "commercial use" in paragraph 1301.2(b)(4)), or any person on whose

behalf the requester may be acting, but shall consider only those interests which would be furthered by the requested disclosure. In assessing the magnitude of identified commercial interests, consideration shall be given to the role that such FOIA-disclosed information plays with respect to those commercial interests, as well as to the extent to which FOIA disclosures serve those interests overall. Requesters shall be given a reasonable opportunity in the administrative process to provide information bearing upon this consideration.

(2) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." A fee waiver or reduction is warranted only where, once the "public interest" standard set out in paragraph (b) of this section is satisfied, that public interest can fairly be regarded as greater in magnitude than that of the requester's commercial interest in disclosure. TVA shall ordinarily presume that, where a news media requester has satisfied the "public interest" standard, that will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who compile and market government information for direct economic return shall not be presumed to primarily serve the "public interest."

(d) Where only a portion of the requested records satisfies both of the requirements for a waiver or reduction of fees under this paragraph, a waiver or reduction shall be granted only as to that portion.

(e) Requests for the waiver or reduction of fees shall address each of the factors listed in paragraphs (b) and (c) of this section, as they apply to each record request.

(f) A denial of a request for reduced fees or of a request for waiver of fees, in whole or in part, will be made in writing, will state the reasons for the denial, and will notify the requester of the right to appeal the denial. The appeal process for denial of a fee waiver or reduction of fees shall be identical to the appeal process for denial of a requested record and shall be subject to the procedures detailed in section 1301.1(c)(2).

Louis S. Grande,

Vice President, Information Services.

[FR Doc. 91-4107 Filed 2-21-92; 8:45 am]

BILLING CODE 8120-08-M

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 50, Ch. 60, and Ch. 61

48 CFR Ch. 29

Federal Regulatory Review

AGENCY: Office of the Secretary, Labor.

ACTION: Request for comments on Department of Labor Regulations.

SUMMARY: The President has directed that the Department and other federal agencies use the ninety day period beginning January 28, 1992,

... to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth.

A part of this effort, the President also has directed that the Department should work with the public and other interested parties to try to identify those regulations and programs, both under consideration and currently in place, that impose substantial costs on the economy relative to the benefits achieved or otherwise impose detrimental burdens on the economy and on economic growth.

As part of this review effort, the Department is seeking comments and suggestions from the public on current regulations and those under consideration in terms of the burdens placed on the economy, inhibitions to growth, and benefits achieved.

DATES: Comments are due by March 20, 1992.

ADDRESSES: Send comments to Roland G. Droitsch, Deputy Assistant Secretary for Policy, U.S. Department of Labor, room S-2312, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, U.S. Department of Labor. Telephone (202) 523-9058.

SUPPLEMENTARY INFORMATION: Excessive regulation and red tape can impose an enormous burden on our economy—a hidden tax on American households in the form of higher prices for goods and services. At the same time, regulations may facilitate the

better working of labor and other markets, may promote both jobs and growth, and improve worker safety and health. The President has imposed a ninety-day moratorium on the issuance of any proposed or final rules that do not meet one of exemptions listed in his January 28, 1992 Memorandum on Reducing the burden of Government Regulation, which are also discussed in the January 30, 1992 White House Fact Sheet, to all the Department of Labor and other federal agencies the time to get in the process of wedding out unnecessary and burdensome government regulations—those that impose needless costs on consumer and substantially impede economic growth and the competitiveness of American industry. Moreover, new technologies and markets can quickly make existing regulations obsolete and burdensome, even those that were fully justified when they were adopted. At the same time, existing regulations can impose unnecessary constraints on emerging technologies and markets that could not have been foreseen at the time the regulations were promulgated.

With this in mind, the President has directed that the Department

(i) identify each of your agency's regulations and programs that impose a substantial cost on the economy, and
(ii) determine whether each such regulation or program adheres to the following standards:

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

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

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

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

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

The Department's review of its regulations and programs will proceed in accordance with all applicable legal requirements and established regulatory review procedures, including all applicable requirements of the Administrative Procedure Act. Our review will also be guided by the purposes of objectives of the enabling statutes for the regulations and programs being reviewed.

Public comments concerning specific Department of Labor regulations are encouraged. Public comments may also be made on regulations of the Pension Benefit Guaranty Corporation.

Commenters should address those regulations that appear to impose substantial costs on the economy, impose unnecessary constraints on emerging technologies and markets, substantially impede economic growth, or fail to achieve the benefits intended. Comments should include supporting examples or data on how economic growth was impeded, and should detail any evidence of excessive costs borne or new technologies that are being impeded in their adoption. Comments should also address ways that the Department's regulations and programs can be modified to better adhere to the standards set by the President above.

Most of the possible significant regulatory actions currently being considered by the Department of Labor are described in some detail in the document entitled the "Regulatory Program of the United States Government—April 1, 1991—March 31, 1992." This is available from the Superintendent of Documents (Stock Number 041-001-00362-2). Most of the Department's other regulations are listed in the semi-annual regulatory agenda (58 FR 53558).

Signed at Washington, DC, this 19th day of February, 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92-4252 Filed 2-21-92; 8:45 am]

BILLING CODE 4510-23-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-4107-4]

Maine, Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of Maine for Final Approval, Public Hearing and Public Comment Period.

SUMMARY: The purpose of this notice is to announce that: The Environmental Protection Agency (EPA) has received a complete application from the State of Maine requesting final approval of its Underground Storage Tank (UST) program under subtitle I of the Resource Conservation and Recovery Act (RCRA); EPA has reviewed Maine's application and has made the tentative decision that Maine's UST program satisfies all of the requirements necessary to qualify for final approval; Maine's application for final approval is

now available for public review and copying; public comments are requested; and a public hearing will be held to solicit comments on the application, if there is significant interest.

DATES: A public hearing is scheduled for March 25, 1992. The State of Maine will participate in the public hearing held by EPA. The hearing will begin at 9 a.m. and will continue until the end of the testimony or 12 p.m., whichever comes first. Requests to present oral testimony must be filed by March 18, 1992. Written comments must be received by March 25, 1992. EPA reserves the right to cancel the hearing should there be no significant public interest. Those informing EPA of their intention to testify will be notified of the cancellation.

ADDRESSES: Comments and requests to testify should be mailed to: Rhona Julien, Underground Storage Tank Program, HPU CAN-7, U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203.

Copies of Maine's final application for program approval are available 8 a.m.-4 p.m., Monday through Friday, at the following locations for review: Maine, Department of Environmental Protection, Bureau of Oil and Hazardous Materials Control, State House Station #17, Augusta, Maine 04333, Phone: (207) 289-6951; U.S. EPA Headquarters, Library, room 211A, 401 M Street, Washington, DC 20460, Phone: (202) 382-5926; U.S. EPA, Region I Library, 1 Congress Street, 11th Floor, Boston, MA 02203, Phone: (617) 565-3300.

EPA and Maine will hold the public hearing on March 25, 1992, in the Meeting Room of the Comfort Inn, 281 Civic Center Drive, Augusta, Maine. The hearing will begin at 9 a.m. and will continue until the end of testimony or 12 p.m., whichever comes first.

FOR FURTHER INFORMATION CONTACT: Rhona Julien, HPU CAN-7, Underground Storage Tank Program, U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203, Phone: (617) 573-9655. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6991c, enables EPA to authorize states to implement their own UST programs in lieu of the Federal UST program. Two types of approval may be granted. The first type, known as "interim approval" is a temporary approval which is granted if EPA determines that the state UST program is "no less stringent" than the Federal

program (Section 9004(b) of RCRA, 42 U.S.C. 6991c(b)) in the following elements: corrective action, financial responsibility, notification requirements, and new tank standards. While operating under interim approval, the State may complete the development of "no less stringent" standards for the following elements: release detection, release detection record keeping, reporting of releases and corrective actions taken, and tank closure.

The second type is a "final approval" that is granted if EPA determines that the State program: (1) Is "no less stringent" than the Federal UST program in all of the following elements: corrective action, financial responsibility, new tank standards, release detection, release detection record keeping, release reporting, tank closure, and notification requirements of section 9004(a)(8) of RCRA, 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (Section 9004(a), 42 U.S.C. 6991c(a)).

B. Maine

On August 1, 1991, the State of Maine submitted a Draft application to EPA for program approval. Prior to this, the State, working with EPA, amended their UST rules, in order to meet the "no less stringent" federal requirements. Maine provided an opportunity for public comment on January 23, 1991, requesting comments on the amended regulations. A public hearing was held on April 25, 1991, and the regulations became effective on September 16, 1991.

In accordance with the requirements of 40 CFR 281.50(b), Maine provided an opportunity for public comment on June 20 and 21, 1991, requesting comments on Maine's intention to seek state UST program authorization. On December 20, 1991, EPA received a Final Application for program approval. Based on the review of the Maine state program, EPA has made a tentative determination that it meets all the requirements necessary to qualify for final approval. Consequently, EPA intends to grant final approval to the State of Maine to implement its UST program.

In accordance with section 9004(d) of RCRA, 42 U.S.C. 6991c(d) and 40 CFR 281.50(e), the Agency will hold a public hearing on its tentative determination on March 25, 1992, in Augusta, Maine from 9 a.m.-12 p.m. All written comments on EPA's tentative determination must be submitted by March 25, 1992. Copies of Maine's application are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

The Maine Department of Environmental Protection, through the Bureau of Hazardous Materials Control is charged with the responsibility to develop standards and criteria for the design, installation, operation, maintenance, and monitoring of underground storage tanks to prevent UST related ground and surface water contamination, under the authority of 38 M.R.S.A. 561, *et seq.*, Maine's Underground Storage Tank Law, as amended. The statute includes provisions for the following:

(1) Authority to promulgate UST regulations for controlling underground storage facilities containing petroleum and related sludge, and chemical substances.

(2) Authority to impose administrative fines for violations of any provision of the statute.

(3) Authority to conduct compliance monitoring inspections and other enforcement activities.

(4) Notification requirements for owners of underground storage tanks including heating oil tanks.

(5) Establishment of petroleum clean-up fund. This is financed through licensing fees and tank assessment fees, and helps pay for cleanup and restoration of contaminated soil and groundwater caused by petroleum releases from USTs, and for third party damages.

EPA will consider all public comments on its tentative determination received during the public comment period or at the hearing. Issues raised by those comments may be the basis for a decision to deny final approval to Maine. EPA expects to make a final decision on whether or not to approve Maine's program within sixty (60) days after the date of the public hearing and will give notice of it in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This is due to the fact that approval of Maine's UST program effectively suspends the applicability of the Federal UST regulations, thereby eliminating duplicative requirements for owners and

operators of underground storage tanks in Maine. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative practice and procedure, Hazardous substances, Insurance, Intergovernmental relations, Oil pollution, Reporting and recordkeeping requirements, Surety bonds, Water pollution control, Water supply.

Authority: This notice is issued under the authority of section 9004 of RCRA as amended, 42 U.S.C. 6991c.

Dated: February 18, 1992.

Julie Belaga,

Regional Administrator.

[FR Doc. 92-4257 Filed 2-21-92; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1150

Claims Collection

AGENCY: National Endowment for the Arts.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will implement the Debt Collection Act of 1982 (the Act) and it will replace the existing National Endowment for the Arts, "Collection of Claims Under the Federal Claims Collection Act of 1966," published at title 45 of Code of Federal Regulations part 1150. The Act requires changes in the way the National Endowment for the Arts (Endowment) collects money owed it. This proposed rule will implement the provisions of the Act for reporting a debtor to a consumer reporting agency, provides authority to contract for private collection services, as well as identify procedures for administrative offset and salary offset. Each of these procedures contains safeguards for the debtor, while enhancing the Endowment's ability to collect money owed it.

DATES: Comments must be received on or before April 24, 1992.

ADDRESSES: Interested persons should submit comments to Amy R. Sabrin General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. Comments will be available for inspection at the above address from 9 a.m. to 5:30 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Karen L. Elias, 202-682-5418.

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749, applicable sections codified at 31 U.S.C. 3701, 3711, 3716, 3717, 3718, and 5 U.S.C. 5514) (the Act) makes several changes in the way Executive and legislative agencies collect debts owed the Government. The purpose of the Act is to improve the ability of the Government to collect money owed it, while adding certain notice requirements and other protections applicable to the Government's relationship to the debtor. This proposed rule would implement the provisions of the Act.

Generally, the Act enhances the Government's ability to collect money owed it. First, by allowing the Government to disclose to a consumer reporting agency information from a system of records to the effect that an individual or organization is responsible for a claim under the Act. The Act also allows the head of an agency to make contracts for private collection services to recover indebtedness owed the United States. And, the Act establishes new provisions relating to the use of administrative and salary offset as a means of collecting money owed the Government.

The Act provides additional protection to the consumer by requiring that a debtor be provided notice of a debt and the opportunity to review the record and enter into a written repayment agreement before the Government releases the name of the debtor to a consumer reporting agency, or before the money is collected by administrative offset.

The Act requires agencies to issue regulations implementing various provisions of the new law which are consistent with uniform standards issued jointly by the Department of Justice and the General Accounting Office (DOJ/GAO). DOJ/GAO issued final standards on March 9, 1984 (see 49 FR 8889). In addition, the Endowment's regulations on salary offset must be consistent with offset regulations issued by the Office of Personnel Management (OPM). OPM issued final rules on July 3, 1984 (see 49 FR 27470). The provisions of the Act which are being implemented in this rulemaking are summarized below:

Disclosure to Consumer Reporting Agency

Section 3 of the Debt Collection Act (codified at 31 U.S.C. 3711(f)) authorizes agencies to report delinquent debtors to a consumer reporting agency. The Act requires that several procedural protections be provided to debtors before the release of any information concerning the overdue payment. In

addition, the Act requires that the agency report any significant change in circumstances (for example, payment of the debt) to the consumer reporting agency.

Section 1150.12 of this proposed rule provides for disclosure to a consumer reporting agency. Under this section, the Endowment will release information only after there has been a determination that the debt is valid and overdue and that a written notice has been sent to the debtor. This written notice will state that the debtor's payment of a debt is overdue, and that the Endowment will disclose this information to a consumer reporting agency is not less than 60 days from the date of the notice.

The debtor has a right to a full explanation of the debt, which includes a review of applicable Endowment records on the debt. In addition, the debtor may avoid the reporting of the claim to a consumer reporting agency by entering into an agreement to repay the debt under terms agreed to by the Endowment.

Contracts for Collection Services

Section 13 of the Debt Collection Act (codified at 31 U.S.C. 3718) authorizes the head of an agency to enter into a contract with a person for collection services to recover debts owed the United States. The Act requires that certain provisions be contained in any contract that the agency enters into for collection services. Section 1150.13 codifies the minimum provisions of the contract required by the Act, which include:

- (1) The Endowment retains the authority to resolve a dispute, which includes terminating a collection action or referring the matter to the Attorney General for civil remedies; and
- (2) The person contracted with is subject to the Privacy Act of 1974, as it applies to private contractor, as well as subject to State and Federal laws governing debt collection practices, such as the Debt Collection Practices Act.

Administrative Offset

The procedures authorized for administrative offset are contained in Section 10 of the Debt Collection Act (codified at 31 U.S.C. 3716) and will be implemented in conjunction with other authority of the Endowment to offset. As with the provision for reporting to a consumer reporting agency, the Act requires that notice procedures be observed by the agency before any offset takes place. In addition, administrative offset authorized by the Act is limited, because the Act states that these offset provisions do not apply

to an agency of the United States government, of a State government or of a unit of general local government.

Section 1150.20 through 1150.37 contain the administrative offset provisions adopted by the Endowment. These regulations cover such aspects of offset as coordinating collection with another Federal agency, notice that will be provided to a debtor before the offset begins the opportunity to inspect the Endowment's records related to the particular debt, the opportunity to enter into a repayment agreement with the Chairman, and time periods in which the debtor must notify the Endowment of his or her election of any of these procedures.

Review of the record includes a review by the Endowment of the written record pertaining to the debt, and, in some situations, a hearing. The conditions for these two procedures are outlined in the proposed rule.

Section 1150.35 sets out specific procedures for offset against amounts payable from the Civil Service Retirement and Disability Fund.

Salary Offset

Section 5 of the Debt Collection Act (codified at 5 U.S.C. 5514) establishes new procedures to be used when an agency wishes to collect money owed it by offsetting the current salary of a Federal employee. Like administrative offset, agencies must cooperate with one another when one agency is owed the debt, but the debtor is the employee of another agency. The salary offset provisions contained in the Debt Collection Act contain similar, although somewhat greater, opportunities for an employee to review the determination of indebtedness before an offset is implemented by an agency. In addition, each agency's regulations must be consistent with the Office of Personnel Management's regulations.

The Endowment's regulations on salary offset are contained in §§ 1150.40 through 1150.57 of this proposed rule. The procedures for salary offset are similar to those for administrative offset. In the salary offset procedure, however, an employee against whom an offset is sought is entitled to a hearing to review the Chairman's determination of the debt, the amount of the debt, or percentage of disposable pay to be deducted each pay period. Similar to the administrative offset procedures, the employee must give notice of intent to take advantage of any of these procedures in the time period prescribed in the regulations.

Other Matters

This proposed rule was listed as item numbers 3889 and 3894 in the Endowment's Semiannual Agenda of Regulations published on April 22, 1991, FR Vol. 56, No. 77, page 18120-18121 under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 45 CFR Part 1150**Administrative claims.**

Amy R. Sabrin,

General Counsel, National Endowment for the Arts.

For the reasons set out in this preamble, the National Endowment for the Arts proposes to revise title 45, Code of Federal Regulations, part 1150 to read as follows:

PART 1150—CLAIMS COLLECTION**Subpart A—General Provisions****Sec.**

- 1150.1 Scope and definitions.
- 1150.2 Incorporation of joint standards by reference.
- 1150.3 Subdivision and joining of claims.
- 1150.4 Referral of claims to the General Counsel.
- 1150.5 Accounting control.
- 1150.6 Record retention.
- 1150.7 Suspension or revocation of eligibility.
- 1150.8 Standards for collection of claims.
- 1150.9 Standards for compromise of claims.
- 1150.10 Standards for suspension or termination of collection action.
- 1150.11 Referral to GAO or Justice Department.
- 1150.12 Disclosure to a Consumer Reporting Agency.
- 1150.13 Contracts for collection services.
- 1150.14 Miscellaneous provisions: Correspondence with the Endowment.
- 1150.15-1150.19 [Reserved]

Subpart B—Administrative Offset Provisions

- 1150.20 Scope.
- 1150.21 Coordinating administrative offset with another Federal agency.
- 1150.22 Notice requirements before offset.
- 1150.23 Exceptions to notice requirements.
- 1150.24 Review within the Endowment of a determination of indebtedness.
- 1150.25 Review of Endowment records related to the debt.
- 1150.26 Written agreement to repay debt as alternative to administrative offset.
- 1150.27 Stay of offset.
- 1150.28 Type of review.
- 1150.29 Review procedures.
- 1150.30 Determination of indebtedness and appeal from determination.
- 1150.31 Procedures for administrative offset: Single debt.
- 1150.32 Procedures for administrative offset: Multiple debts.
- 1150.33 Procedures for administrative offset: Interagency cooperation.
- 1150.34 Procedures for administrative offset: Statute of limitations.

1150.35 Procedures for administrative offset: Offset against amounts payable from Civil Service Retirement and Disability Fund.

1150.36 Procedures for administrative offset: Offset of debtor's judgment against the United States.

1150.37 Procedures for administrative offset: Imposition of interest.

Subpart C—Salary Offset Provisions

- 1150.40 Scope.
- 1150.41 Definitions.
- 1150.42 Coordinating salary offset with another Federal agency.
- 1150.43 Determination of indebtedness.
- 1150.44 Notice requirements before offset.
- 1150.45 Request for a hearing.
- 1150.46 Result if employee fails to meet deadlines.
- 1150.47 Conduct of hearing.
- 1150.48 Written decision following a hearing.
- 1150.49 Review of Endowment records related to the debt.
- 1150.50 Written agreement to repay debt as alternative to salary offset.
- 1150.51 Procedures for salary offset: When deductions may begin.
- 1150.52 Procedures for salary offset: Types of collection.
- 1150.53 Procedures for salary offset: Methods of collection.
- 1150.54 Procedures for salary offset: Imposition of interest.
- 1150.55 Non-waiver of rights.
- 1150.56 Refunds.
- 1150.57 Statute of limitations.

Authority: 31 U.S.C. 3711, 31 U.S.C. 3716 to 3718, 5 U.S.C. 5514, 5 U.S.C. 552a.

Subpart A—General Provisions**§ 1150.1 Scope and definitions.**

(a) Scope. This subpart sets forth the regulations of the National Endowment for the Arts, implementing the Federal Claims Collection Act of 1966 as amended by the Debt Collection Act of 1982. This subpart conforms with the standards jointly promulgated by the Attorney General and the Comptroller General in 4 CFR parts 101 through 105 and the Salary Offset Regulations published by Office of Personal Management in 5 CFR part 550 subpart K. The Act as amended:

(1) requires the head of an agency or designee to attempt collection of all claims of the United States for money or property arising out of the activities of the agency; and

(2) authorizes the head of an agency or designee to compromise such claims that do not exceed \$20,000 exclusive of interest, or to suspend or terminate collection action where it appears that no person liable on such claims has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting such claim is likely to exceed the amount of recovery.

(b) Definitions. The following definitions apply to these regulations:

(1) *Administrative costs* means costs that result from the additional actions required because a debt has become delinquent.

(2) *Agency* means an Executive department as defined at 5 U.S.C. 105 including the U.S. Postal Service, the U.S. Postal Commission, a military department as defined at 5 U.S.C. 102, an agency or court in the judicial branch, an agency of the legislative branch including the U.S. Senate and House of Representatives and other independent establishments that are entities of the Federal government.

(3) *Debt* means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interests, fines, forfeitures, (except those arising under the Uniform Code of Military Justice) and all other similar sources.

(4) *Delinquent* means that the debt has not been paid by the date specified by the Endowment in its initial written notification or contractual agreement, unless other satisfactory payment arrangements have been made by that date, or if, at any time thereafter, the debtor fails to satisfy obligations under a payment agreement with the Endowment.

(5) *Disposable pay* means the amount that remains from an employee's federal pay after required deductions for social security, federal, state or local income tax, health insurance premiums, retirement contributions, life insurance premiums, federal employment taxes, and any other deductions that are required to be withheld by law.

(6) *Endowment* means the National Endowment for the Arts.

(7) *Endowment official* means an official of the National Endowment for the Arts, designated by the Chairperson, and having authority to decide administrative offset and salary offset matters and to issue the agency's reply to an employee's request for a hearing as described in these regulations.

(8) *General Counsel* means the General Counsel of the National Endowment for the Arts.

(9) *Hearing official* means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed, and who renders a decision on the basis of such hearing. A hearing official may not be under the supervision or control

of the Chairperson of the National Endowment for the Arts.

§ 1150.2. Incorporation of joint standards by reference.

All administrative actions to collect claims arising out of the activities of the Endowment shall be performed in accordance with the applicable standards prescribed in 4 CFR parts 101 through 105, and 5 CFR part 550 subpart K which are incorporated by reference and supplemented in this subpart.

§ 1150.3. Subdivision and joining of claims.

(a) A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one not exceeding \$20,000 exclusive of interest for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Act.

(b) Joining of two or more single claims in a demand upon a particular debtor for payment totaling more than \$20,000 does not preclude compromise or termination of collection action with respect to any one of such claims that does not exceed \$20,000 exclusive of interest.

§ 1150.4. Referral of claims to the General Counsel.

(a) Authority of the General Counsel. The General Counsel shall exercise the powers and perform the duties of the Chairman to compromise or to suspend or terminate collection action on all claims not exceeding \$20,000 exclusive of interest. Claims shall be referred to the General Counsel well within the applicable statute of limitations (28 U.S.C. 2415 and 2416), but in no event more than 2 years after the claims accrued.

(b) Exclusions. There shall be no compromise or terminated collection action with respect to any claim:

(1) As to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim;

(2) based in whole or in part on conduct in violation of the antitrust laws;

(3) based on tax statutes; or

(4) arising from an exception made by the General Accounting Office (GAO) in the account of an accountable officer. Such claims shall be promptly referred to the Justice Department or GAO, as appropriate.

§ 1150.5 Accounting control.

The General Counsel shall process all claims collections through the National Endowment for the Arts accounting office and report the collection, compromise, suspension and termination of all claims to the appropriate accounting office for recording.

§ 1150.6 Record retention.

The file of each claim on which administrative collection action has been completed shall be retained by the appropriate Endowment office or the General Counsel for not less than 1 year after the applicable statute of limitations has run.

§ 1150.7 Suspension or revocation of eligibility.

(a) In the event a contractor, grantee, or other participant in programs sponsored by the Endowment fails to pay his debts to the Endowment within a reasonable time after demand the fact shall be reported by the Grants, Audit, or other appropriate office to the General Counsel, who shall place such defaulting participants name on the Endowment's list of debarred, suspended and ineligible contractors and grantees and the participant will be advised.

(b) The failure of any surety to honor its obligations in accordance with 31 U.S.C. 3905 is to be reported at once to the General Counsel who shall so advise the Treasury Department. The Treasury Department will notify the Endowment when a surety's certificate of authority to do business with the Government has been revoked or forfeited.

§ 1150.8 Standards for collection of claims.

(a) Demand for payment. Appropriate written demands shall be upon the debtor which shall include information relating to the consequences of his failure to cooperate.

(b) Collection by offset. Collection by offset will be administratively undertaken on claims which are liquidated or certain in amount in every instance where this is feasible. For specific procedures on administrative offset see §§ 1150.20-1150.37. For specific procedures on salary offset see §§ 1150.40-1150.57.

(c) Liquidation of collateral. When the Endowment holds security or collateral that may be liquidated and the proceeds applied to debts due it through the exercise of a power of sale in the security instrument or a nonjudicial foreclosure, such procedures should be followed if the debtor fails to pay his debt within a reasonable time after

demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure.

(d) Collection in installments. Claims with accrued interest should be collected in full or one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments.

(e) Interest, penalties and administrative costs. The Endowment shall assess interest, penalties, and administrative costs on debts owed to the Endowment pursuant to 31 U.S.C. 3717 as outlined below.

(1) Interest shall accrue from the date on which the notice of debt and the Endowment's interest requirements is first mailed or hand-delivered to the debtor using the most current address available to the Endowment.

(2) Interest shall be assessed at the rate of the current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly, in accordance with 31 U.S.C. 3717.

(3) Interest may be charged at a higher rate if the Endowment reasonably determines that it is necessary to protect the interests of the United States.

(4) The rate of interest, as initially assessed, shall remain fixed for the duration of the indebtedness, except that where a debtor has defaulted on repayment agreement and seeks to enter into a new agreement, the Endowment may set a new interest rate which reflects the current value of funds to the Treasury at the time the new agreement is executed.

(5) Interest shall not be assessed on interest, penalties, or administrative costs required by this section. However, if the debtor defaults on a previous repayment agreement, charges which accrued but were not collected under the defaulted agreement shall be added to the principal to be paid under a new repayment agreement.

(6) Administrative costs incurred as a result of a delinquent debt shall be assessed against a debtor to cover the additional costs incurred in processing and handling the debt because it became delinquent.

(7) Penalty charges shall be assessed, not to exceed 6 percent a year, on any portion of a debt that is delinquent for more than 90 days. This charge need not be calculated until the 91st day of delinquency, but shall accrue from the date that the debt became delinquent.

(8) Partial or installment payments received by the Endowment shall be applied first to outstanding penalty and administrative cost charges, second to accrued interest, and third to outstanding principal.

(9) Waiver of interest requirements on the debt or any portion of the debt shall occur

when the debt or portion thereof is paid within 30 days after the date on which interest began to accrue. The Endowment may extend this 30-day period, on a case-by-case basis, if it reasonably determines that such action is appropriate. Also, the Endowment may waive, in whole or in part, the collection of interest, penalties, and/or administrative costs assessed under this section under the criteria specified in § 1150.9 relating to the compromise of claims (without regard to the amount of the debt), of if the Endowment determines that collection of these charges would be against equity and good conscience or not in the best interests of the United States Government.

(10) Interest and related charges may not be assessed for those periods during which collection action must be suspended pursuant to a mandatory waiver or review statute until either:

(i) The Endowment has considered the request for waiver/review or

(ii) The applicable time limit for making the waiver/review request, as prescribed in these regulations, has expired and the debtor, upon proper notice, has not made such a request.

(11) Exemption: The provisions of 31 U.S.C. 3717 do not apply:

(i) To debts owed by any State or local government;

(ii) To debts arising under contracts which were executed prior to, and were in effect on (i.e., were not completed as of), October 25, 1982;

(iii) To debts where an applicable statute, regulation required by statute, loan agreement, or contract either prohibits such charges or explicitly fixes the charges that apply to the debt involved; or

(iv) To debts arising under the Social Security Act, the Internal Revenue Code of 1954 or the tariff laws of the United States.

(12) The Endowment may assess interest and related charges on debts which are not subject to 31 U.S.C. 3717 to the extent authorized under the common law or other applicable statutory authority.

(f) Omission not a defense. Failure to comply with any standard prescribed in 4 CFR chapter II or in this subpart shall not be available as a defense to any debtor.

§ 1150.9 Standards for compromise of claims.

(a) Compromise offer. An offer to compromise may be accepted:

(1) If there is real doubt concerning the National Endowment for the Arts' ability to prove its case in court for the full amount claimed;

(2) If the cost of collecting the claim does not justify the enforced collection of the full amount;

(3) If in connection with statutory penalties or forfeitures established as an aid to enforcement and to compel compliance, the Endowment's enforcement policy will be adequately served by acceptance of the sum to be agreed upon; or

(4) For other reasons deemed valid by the General Counsel and made a part of the claim record.

(b) Documentary evidence of compromise. No compromise of a claim shall be final or binding on the Endowment unless it is in

writing and signed by the General Counsel who has authority to compromise the claim pursuant to this subpart.

1150.10 Standards for suspension or termination of collection action.

(a) Suspension of collection action. Collection action shall be suspended temporarily on a claim when the debtor cannot be located after diligent effort, but there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim, given consideration to its size and the amount which may be realized. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is presently unable to make payment on the Endowment's claim or effect a compromise, but his future prospects justify retention of the claim for periodic review and action and

(1) The applicable statute of limitations has been tolled or started a new or

(2) Future collection can be effected by offset notwithstanding the statute of limitations. Suspension as to a particular debtor should not defer the early liquidation of security for the debt.

(b) Termination of collection action. Collection action may be terminated and the Endowment file closed for the following reasons:

(1) No substantial amount can be collected;

(2) The debtor cannot be located;

(3) The cost will exceed recovery;

(4) The claim is legally without merit;

or

(5) The claim cannot be substantiated by evidence.

§ 1150.11 Referral to GAO or Justice Department.

(a) Claims referred. Claims which cannot be collected, compromised, or terminated in accordance with 4 CFR parts 101 to 105 shall be referred to the GAO in accordance with 31 U.S.C. 3711 or to the Department of Justice if the Endowment has been granted an exception from referrals to the GAO. If there is doubt as to whether collection action should be suspended or terminated on a claim, the claim may be referred to the GAO for advice. When recovery of a judgment is prerequisite to imposition of administrative sanctions, the claim may be referred to the Justice Department for litigation even though termination of collection activity might otherwise be considered.

(b) Prompt referral. Such referrals shall be made as early as possible to be consistent with aggressive collection action and in any event, well within the statute of limitations for bringing suit against the debtor.

§ 1150.12 Disclosure to a Consumer Reporting Agency.

(a) Conditions for disclosure. The Endowment may disclose to a Consumer

Reporting Agency information from a system of records to the effect that an individual is responsible for a debt. Before doing so, the Endowment Official shall ensure that:

(1) The notice for the system of records required by the Privacy Act of 1974 (5 U.S.C. 552(e)(4)) indicates that the information in the system may be disclosed to a Consumer Reporting Agency;

(2) There has been Endowment review of the debt and a determination that the debt is valid and overdue;

(3) There has been written notice sent to the individual informing the individual:

(i) That payment of the debt is overdue;

(ii) That the Endowment intends to disclose to Consumer Reporting Agency, within not less than 60 days after sending the notice, that the individual is responsible for the debt;

(iii) Of the specific information intended to be disclosed to the Consumer Reporting Agency; and

(iv) Of the rights of the individual to a full explanation of the debt, to dispute any information in the records of the Endowment concerning debt, as determined by the Endowment Official, and to administrative appeal or review with respect to the debt; and

(4) The individual has neither repaid or agreed to repay the debt under a written repayment plan signed by the individual and agreed to by the Endowment official nor has filed for review of the claim under appropriate sections of this regulation.

(b) Limitations on disclosure. The Endowment Official shall not disclose information to a Consumer Reporting Agency unless the Endowment has: (1) Obtained satisfactory assurances from each Consumer Reporting Agency that it complies with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and any other Federal laws governing the provision of consumer credit information;

(2) Provided, upon request by the individual alleged to be responsible for the claim, the opportunity to review the claim, including an opportunity for reconsideration of the initial decision on the claim; and

(3) Taken reasonable action to locate an individual for whom the Endowment Official does not have a current address to send a notice under paragraph (a)(3) of this section.

(c) Additional responsibilities of the Endowment. In providing information to a Consumer Reporting Agency, the Endowment shall only disclose:

(1) Information necessary to establish the identity of the individual, including name, address and taxpayer identification number;

(2) The amount, status, and history of the claim; and

(3) The program under which the claim arose.

(d) In all cases, the Endowment shall notify each Consumer Reporting Agency to which the original disclosure was made of any substantial change in the condition or amount of the claim. This includes promptly correcting or verifying information about the claim requested by the Consumer Reporting Agency.

§ 1150.13 Contracts for collection services.

(a) The Chairperson may enter into a contract or contracts for collection services to recover indebtedness owed the Endowment. Any such contract will include the following provisions:

(1) The Endowment retains the authority to resolve a dispute, compromise a claim, end collection action or refer a matter to the Department of Justice or the General Accounting Office;

(2) The person contracted with by the Chairperson is subject to the Privacy Act of 1974, as amended, to the extent provided for in 5 U.S.C. 522a(m), the section on government contractors;

(3) The person contracted with by the Chairperson is subject to State and Federal laws governing debt collection practices, such as the Debt Collection Practices Act, 15 U.S.C. 1692; and

(b) The person contracted with agrees to provide to the Endowment, if asked to return the file to the Agency so that the Endowment may refer the account to the Department of Justice for litigation, any data contained in the files relating to actions previously taken to collect the debt, the current address of the debtor, as well as the current credit data of the debtor or any current other information requested and available.

§ 1150.14 Miscellaneous provisions: Correspondence with the Endowment.

All correspondence from the debtor to the Endowment shall be addressed to the Assistant Director of Administration, National Endowment for the Arts, Washington, DC. 20506.

§ 1150.15-1150.19 [Reserved]

Subpart B—Administrative Offset Provisions

§ 1150.20 Scope.

(a) The standards set forth in § 1150.20 through 1150.37 are the Endowment's procedures for the collection of money, owed to the government, by means of administrative offset. These procedures apply to the

collection of debts as authorized by common law, by 31 U.S.C. 3716, or under other statutory authority. These procedures shall not be used when a statute, provides its own collection procedure, when explicitly prohibited by statute, or when the United States has a judgment against the debtor. Unless otherwise provided for by statute, these procedures do not apply to a debt owed by an agency of the United States, a State government, or unit of general local government. In addition, these procedures do not apply to debts arising under the Internal Revenue Code of 1986 (26 U.S.C. 1-9602), the Social Security Act (42 U.S.C. 301-13978f), or the tariff laws of the United States.

(b) The Endowment shall use administrative offset to collect claims which are certain in amount in every instance in which such collection is determined to be feasible and not prohibited by laws. The Endowment shall determine feasibility on a case-by-case basis, exercising sound discretion. In determining feasibility, the Endowment shall consider:

(1) The debtor's financial condition;

(2) Whether offset would substantially interfere with or defeat the purposes of the program authorizing the payments against which offset is contemplated; and

(3) Whether offset best serves to further and protect all of the interests of the United States.

§ 1150.21 Coordinating administrative offset with another Federal Agency.

(a) When the Endowment is owed the debt, but another Federal agency is responsible for making payment to the debtor against which administrative offset is sought, the other Federal agency shall not initiate the requested administrative offset until the Endowment provides the other Federal agency with a written certification that the debtor owes the Endowment the debt (including the amount and basis of the debt and the due date of the payment) and that the Endowment has complied with all requirements of 45 CFR part 1150.

(b) When another Federal agency is owed the debt, the Endowment may administratively offset money it owes to a debtor who is indebted to another Federal agency if requested to do so by that Federal agency. Such a request must be accompanied by a certification by the requesting Federal agency that the debtor owes the debt (including the amount) and that the debtor has been given the procedural rights required by 31 U.S.C. 3716 and 4 CFR part 102.

§ 1150.22 Notice requirements before offset.

Except as provided in § 1150.23, deductions shall be made only after the Endowment makes a determination that an amount is owed and past due and provides the debtor with a minimum of 30 calendar days written notice. This Notice of Intent of Collect by Administrative Offset (Notice of Intent) shall state:

(a) The nature and amount of the debt;

(b) That the Endowment intends to collect the debt by administrative offset until the debt and all accumulated interest and other charges are paid in full;

(c) That the debtor has a right to obtain review within the Endowment of the Endowment's initial determination of indebtedness;

(d) That the debtor has a right to inspect and copy Endowment records related to the debt, as determined by the Endowment Official, and shall be informed as to where and when the inspection and copying can be done after the Endowment receives notice from the debtor that inspection and copying are requested; and

(e) That the debtor may enter into a written agreement with the Endowment to repay the debt, so long as the terms of the repayment agreement proposed by the debtor are agreeable to the Endowment.

§ 1150.23 Exceptions to notice requirements.

(a) In cases where the notice requirements specified in § 1150.22 already have been provided to the debtor in connection with the same debt under some other proceeding, the Endowment is not required to duplicate those requirements before effecting administrative offset.

(b) The Endowment may effect administrative offset against a payment to be made to a debtor before completion of the procedures required by § 1150.22 if:

(1) Failure to make the offset would substantially prejudice the Government's ability to collect the debt, and

(2) The time before the payment is to be made does not reasonably permit the completion of those procedures. Such prior offset must be followed promptly by the completion of those procedures. Amounts recovered by offset but later found to be not owed to the Endowment shall be refunded promptly.

§ 1150.24 Review within the Endowment of a determination of indebtedness.

(a) Notification of debtor. A debtor who receives a Notice of Intent has the right to request Endowment review of the determination of indebtedness. To exercise this right, the debtor must send a letter requesting review to the Endowment. The letter must explain why the debtor seeks review and must be received by the Endowment within 20 calendar days of the date of the Endowment's Notice of Intent.

(b) Endowment's response. In response to a timely request for review of the initial determination of indebtedness, the Endowment Official shall notify the debtor whether review will be by review of the record or by hearing. The notice to the debtor shall include the procedures used for reviewing the record or will include information on the date, location and procedures to be used if review is by a hearing.

§ 1150.25 Review of Endowment records related to the debt.

(a) Notification by debtor. A debtor who intends to inspect or copy Endowment records related to the debt as determined by the Endowment must send a letter to the Endowment stating his or her intention. The letter must be received by the Endowment within 20 calendar days of the date of the Endowment's Notice of Intent.

(b) Endowment's response. In response to timely notification by the debtor as described in paragraph (a) of this section, the Endowment Official shall notify the debtor of the location and time when the debtor may inspect or copy Endowment records related to the debt.

§ 1150.26 Written agreement to repay debt as alternative to administrative offset.

(a) Notification by debtor. The debtor may, in response to a Notice of Intent, propose a written agreement to repay the debt as an alternative to administrative offset. Any debtor who wishes to do this must submit a proposed written agreement to repay the debt. This proposed written agreement must be received by the Endowment within 20 calendar days of the date of the Endowment's Notice of Intent.

(b) Endowment's response. In response to timely notification by the debtor as described in paragraph (a) of this section, the Endowment Official shall notify the debtor whether the debtor's proposed written agreement for repayment is acceptable. It is within the Endowment's discretion to accept a repayment agreement instead of proceeding by offset. In making this

determination the Endowment Official will balance the Endowment's interest in collecting the debt against hardship to the debtor. If the debt is delinquent and the debtor has not disputed its existence or amount, the Endowment will accept a repayment agreement instead of offset only if the debtor is able to establish that offset would result in undue financial hardship or would be against equity and good conscience.

§ 1150.27 Stay of offset.

If the debtor timely notifies the Endowment that he or she is exercising a right described in § 1150.24 or § 1150.26, the offset shall be stayed until an Endowment Official either makes a determination concerning the debtor's proposal to repay the debt or issues a written decision following review of the record or, when appropriate, a hearing. However, interest continues to run during any stay.

§ 1150.28 Type of review.

(a) Hearing. The Endowment shall provide the debtor with a reasonable opportunity for hearing if:

(1) An applicable statute authorizes or requires the Endowment Official to consider waiver of the indebtedness and the waiver determination turns on credibility or veracity; or

(2) The debtor requests reconsideration of the debt and the Endowment Official determines that the question of the indebtedness cannot be resolved by review of the documentary evidence.

(b) Review of the record. Unless the Endowment Official determines that a hearing is required (see paragraph (a) of this section), the Endowment Official will provide for a review of the record (a review of the documentary evidence).

§ 1150.29 Review procedures.

(a) Hearings. (1) The Hearing Official for Administrative Offset (Hearing Official) conducts the hearing. The Hearing Official shall take steps necessary to ensure that the hearing is conducted in a fair and expeditious manner. If necessary, the Hearing Official may administer oaths of affirmation.

(2) The Hearing Official does not use the formal rules of evidence with regard to admissibility of evidence or the use of evidence once admitted. However, parties may object to clearly irrelevant material.

(3) The Hearing Official records all significant matters discussed at the hearing. There is no "official" record or transcript provided for these hearings.

(b) Review of the record. The Hearing Official shall review all material related

to the debt which is in the possession of the Endowment. The Hearing Official makes a determination based upon a review of this written record, which may include a request for reconsideration of the determination of indebtedness, or such other relevant material submitted by the debtor.

§ 1150.30 Determination of indebtedness and appeal from determination.

(a) Following the hearing or the review of the record, the Hearing Official shall issue a written decision which includes the supporting rationale for the decision. The decision of the Hearing Official is the final Endowment action with regard to the particular administrative offset.

(b) Copies of the Hearing Official's decision shall be distributed within the Endowment to appropriate offices and divisions and to the debtor and the debtor's attorney or other representative, if applicable.

§ 1150.31 Procedures for administrative offset: Single debt.

(a) Offset will commence 31 days after the debtor receives the Notice of Intent, unless the debtor has requested a hearing (see § 1150.24) or has entered into a repayment agreement (see § 1150.26).

(b) When there is a review of the debt within the Endowment, offset will begin after the determination has been issued under § 1150.30 and a copy of the determination is received by the Endowment's Finance Division.

§ 1150.32 Procedures for administrative offset: Multiple debts.

The Endowment shall use the procedures identified in § 1150.31 for the offset of multiple debts. However, when collecting multiple debts the Endowment shall apply the recovered amounts to those debts in accordance with the best interests of the United States, as determined by the facts and circumstances of the particular case, paying special attention to applicable statutes of limitations.

§ 1150.33 Procedures for administrative offset: Interagency cooperation.

The Endowment will make use of all possible methods of cooperating with other Federal agencies in effecting collections by offset.

§ 1150.34 Procedures for administrative offset: Statute of limitations.

(a) The Endowment may not initiate administrative offset to collect a debt under 31 U.S.C. 3716 more than 10 years after the Endowment's right to collect the debt first accrued, unless facts

material to the Endowment's right to collect the debt were not known and could not reasonably have been known by the officials of the Endowment who were responsible for discovering and collecting such debts.

(b) When the debt first accrued is determined according to existing law regarding the accrual of debts. (See, for example 28 U.S.C. 2415.)

§ 1150.35 Procedures for administrative offset: Offset against amounts payable from Civil Service Retirement and Disability Fund.

(a) Unless otherwise prohibited by law, the Endowment Official may request that monies which are due and payable to a debtor from the Civil Service Retirement and Disability Fund be administratively offset in one or more payments to collect debts owed to the Endowment by the debtor. The Endowment Official submits the request to the appropriate officials of the Office of Personnel Management (OPM) in accordance with OPM regulations and procedures.

(b) To request administrative offset under paragraph (a) of this section, the Endowment Official shall provide a written certification that:

(1) The debtor owes the Endowment a debt, including the amount of the debt;

(2) The Endowment has complied with the applicable statutes, regulations, and procedures of the Office of Personnel Management; and

(3) The Endowment Official has complied with the Endowment's regulations.

(c) Once the decision is made to request administrative offset under paragraph (a) of this section, the Endowment Official will make the request as soon as practical after completion of the applicable procedures necessary for the Office of Personnel Management to identify the debtor's account and to add a notation in the debtor's file in anticipation of the time when the debtor requests or becomes eligible to receive payments from the Fund. (This notation shall satisfy any requirement that offset be initiated before the applicable statute of limitations expires.)

(d) If, at the time the debtor makes a claim for payments from the Fund, at least one year has elapsed since the offset was originally made, the debtor may offer a satisfactory repayment plan instead of offset upon establishing that changed financial circumstances would render the offset unjust.

(e) If the Endowment collects part or all of the debt by other means before deductions are made or completed under paragraph (a) of this section, the

Endowment Official shall act promptly to modify or terminate the Endowment's request for offset under paragraph (a) of this section.

§ 1150.36 Procedures for administrative offset: Offset of debtor's judgment against the United States.

Collection by offset against a judgment obtained by a debtor against the United States will be accomplished in accordance with 31 U.S.C. 3728.

§ 1150.37 Procedures for administrative offset: Imposition of interest.

Interest will be charged in accordance with § 1150.8(e).

Subpart C—Salary Offset Provisions

§ 1150.40 Scope.

(a) The provisions set forth in §§ 1150.41 through 1150.57 govern the collection by salary offset of a Federal employee's pay to satisfy certain debts owed the government.

(b) These regulations apply to collections by the Endowment from:

(1) Current employees of the Endowment and other Federal agencies who owe debts to the Endowment; and

(2) Current employees of the Endowment who owe debts to other Federal agencies.

(c) These regulations do not apply to debts or claims arising under the Internal Revenue Code of 1986 as amended (26 U.S.C. 1 et seq.); the Social Security Act (42 U.S.C. 301 et seq.); the tariff laws of the United States; or to any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(d) These regulations identify the types of salary offset available to the Endowment, as well as certain rights provided to the employee, which include a written notice before deductions begin, the opportunity to petition for a hearing and to receive a written decision if a hearing is granted. These employee rights do not apply to any adjustment to pay arising out of coverage under a Federal benefit program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

(e) Nothing in these regulations precludes the compromise, suspension, waiver or termination of collection actions where appropriate under the Endowment's regulations contained elsewhere in this subpart.

(f) Matters not addressed in these regulations should be reviewed in accordance with the Federal Claims Collection Standards at 4 CFR part 101 et seq.

§ 1150.41 Definitions.

For the purposes of this part the following definitions will apply:

Agency means an executive agency as is defined at 5 U.S.C. 105 including the U.S. Postal Service, the U.S. Postal Commission, a military department as defined at 5 U.S.C. 102, an agency or court in the judicial branch, an agency of the legislative branch including the U.S. Senate and House of Representatives and other independent establishments that are entities of the Federal government.

Chairperson means the Chairperson of the National Endowment for the Arts or the Chairperson's designee.

Creditor agency means the agency to which the debt is owned.

Debt means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales or real or personal property, overpayments, penalties, damages, interests, fines, forfeitures (except those arising under the Uniform Code of Military Justice), and all other similar sources.

Disposable pay means the amount that remains from an employee's federal pay after required deductions for social security, federal, state or local income tax, health insurance premiums, retirement contributions, life insurance premiums, federal employment taxes, and any other deductions that are required to be withheld by law.

Endowment official means an official of the National Endowment for the Arts, designated by the Chairperson, and having authority to decide salary offset matters and to issue the agency's reply to an employee's request for a hearing as described in these regulations.

Hearing official means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed, and who renders a decision on the basis of such hearing. A hearing official may not be under the supervision or control of the Chairperson of the National Endowment for the Arts.

"Paying Agency" means the agency that employs the individual who owes the debt and authorizes the payment of his/her current pay.

Salary offset means an administrative offset to collect a debt pursuant to 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his/her consent.

§ 1150.42 Coordinating salary offset with another Federal agency.

(a)(1) When the Endowment is owed the debt. When the Endowment is owed a debt by an employee of another Federal agency, the Endowment shall provide the other Federal agency with a written certification that the employee owes the Endowment a debt (including the amount and basis of the debt and the due date of the payment) and that the Endowment has complied with these regulations.

(2) If the employee is in the process of separating, the Endowment must submit its debt claim to the paying agency as provided in this part. The paying agency must certify any amounts already collected, notify the employee, and send a copy of the certification and notice of the employee's separation to the Endowment. If the paying agency is aware that the employee is entitled to Civil Service Retirement and Disability Fund or similar payments, it must certify to the agency responsible for making such payments the amount of the debt and that the provisionals of this part have been followed; and

(3) If the employee has already separated and all payments due from the paying agency have been paid, the Chairperson may request unless otherwise prohibited, that money payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be collected by administrative offset.

(b)(1) When another Federal agency is owed the debt. The Endowment may use salary offset against one of its employees who is indebted to another Federal agency if requested to do so by that Federal agency. Such a request must be accompanied by a certification by the requesting Federal agency that the person owes the debt (including the amount) and that the employee has been given the procedural rights required by 5 U.S.C. 5514 and 5 CFR part 550, subpart K.

(2) If the employee transfers to another agency after the creditor agency has submitted its debt claim to the Endowment and before the debt is collected completely, the National Endowment for the Arts must certify the total amount collected. Copies of the certification must be furnished to the employee, and to the creditor agency with notices of the employee's transfer.

§ 1150.43 Determination of indebtedness.

In determining that an employee is indebted, the Endowment Official shall review the debt to make sure that it is valid and past due.

§ 1150.44 Notice requirements before offset.

Except as provided in § 1150.40(d), deductions shall not be made unless the Endowment Official first provides the employee with a minimum of 30 calendar days written notice. This Notice of Intent to Offset Salary (Notice of Intent) shall state:

(a) That the Endowment Official has reviewed the records relating to the claim and has determined that a debt is owed, the amount of the debt, and the facts giving rise to the debt.

(b) The Endowment's intention to collect the debt by means of deduction from the employee's current disposable pay account until the debt and all accumulated interest are paid in full;

(c) The amount, frequency, approximate beginning date, and duration of the intended deduction;

(d) An explanation of the Endowment's requirement concerning interest, penalties, and administrative costs unless such payments are excused in accordance with § 1150.8(e);

(e) The employee's right to inspect, request and receive records relating to the debt;

(f) The employee's right to enter into a written agreement with the Endowment for a voluntary repayment schedule in lieu of offset differing from that proposed by the Endowment, so long as the terms of the repayment schedule proposed by the employee are agreeable to the Endowment;

(g) The right to a hearing, conducted by an impartial hearing official, on the Endowment's determination of the debt, the amount of the debt, or percentage of disposable pay to be deducted each pay period, so long as a petition is filed by the employee as prescribed by the Endowment.

(h) That the timely filing of a petition for hearing shall stay the collection proceedings; (see § 1150.44).

(i) The method and time period for requesting a hearing;

(j) That a final decision on the hearing (if one is requested) will be issued at the earliest practical date, but not later than 60 calendar days after the filing of the petition requesting the hearing, unless the employee requests and the hearing official grants a delay in the proceedings;

(k) That any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(1) Disciplinary procedures appropriate under 5 U.S.C. Ch. 75, 5 CFR Part 752, or any other applicable statutes or regulations;

(2) Penalties under the False Claims Act, 31 U.S.C. 3729-3731, or any other applicable statutory authority; or

(3) Criminal penalties under 18 U.S.C. 286, 287, 1001, and 1002 or any other applicable statutory authority.

(l) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made;

(m) Unless there are applicable contractual or statutory provisions to the contrary, that amounts paid on or deducted for the debt which are later waived or found not owed to the United States shall be promptly refunded to the employee.

§ 1150.45 Request for a hearing.

(a) Except as provided in paragraph (d) of this section, if an employee wants a hearing concerning:

(1) The existence or amount of the debt; or

(2) The Endowment Official's proposed offset schedule, the employee must file a petition for a hearing that is received by the Endowment Official not later than 20 calendar days from the date of the Endowment's notice described in 1150.44.

(b) The petition must be signed by the employee and should admit or deny the existence of or the amount of the debt, or any part of the debt, briefly setting forth any basis for a denial. If the employee objects to the percentage of disposable pay to be deducted from each check, the petition should state the objection and the reason for it. The petition should identify and explain with reasonable specificity and brevity the facts, evidence and witnesses which the employee believes support his or her position.

(c) Upon receipt of the petition, the Endowment shall send the employee a copy of these regulations §§ 1150.40 through 1150.57 and the National Endowment for the Arts' Implementing Chapter for Salary Offset.

(d) If the employee files a petition for hearing later than the 20 calendar days as described in paragraph (a) of this section, the Endowment Official may accept the request if the employee can show that the delay was because of circumstances beyond his or her control or because of failure to receive notice of the filing deadline.

§ 1150.46 Result if employee fails to meet deadlines.

An employee waives the right to a hearing, and will have his or her disposable pay offset in accordance with the Endowment's offset schedule, if the employee:

(a) fails to file a petition for a hearing as prescribed in 1150.45; or

(b) is scheduled to appear and fails to appear at the hearing.

§ 1150.47 Conduct of hearing.

The Hearing Official for Salary Offset (Hearing Official) shall conduct the hearings in accordance with these regulations and the National Endowment for the Arts' Implementing Chapter for Salary Offset. The burden shall be on the employee to demonstrate that the existence or the amount of the debt is in error.

§ 1150.48 Written decision following a hearing.

The Hearing Official shall issue a written opinion no later than 60 days after the hearing. Written decisions provided after a request for a hearing shall include:

- (a) A statement of the facts presented to support the nature and origin of the alleged debt;
- (b) The Hearing Official's analysis, findings and conclusions, in light of the hearing, concerning the employee's and/or the Endowment's grounds;
- (c) The amount and validity of the alleged debt; and
- (d) The repayment schedule, if applicable.

§ 1150.49 Review of Endowment records related to the debt.

(a) Notification by employee. An employee who intends to inspect or copy Endowment records related to the debt must send a letter to the Endowment Official stating his or her intention. The letter must be received by the Endowment Official within 20 calendar days of the date of the Notice of Intent.

(b) Endowment Official's response. In response to timely notice submitted by the debtor as described in paragraph (a) of this section, the Endowment Official shall notify the employee of the location and time when the employee may inspect and copy Endowment records related to the debt.

§ 1150.50 Written agreement to repay debt as alternative to salary offset.

(a) Notification by employee. The employee may propose, in response to a Notice of Intent, a written agreement to repay the debt as an alternative to salary offset. Any employee who wishes to do this must submit a proposed written agreement to repay the debt which is received by the Endowment Official within 20 calendar days of the date of the Notice of Intent (see § 1150.44)(f).

(b) Endowment's response. In response to timely notice by the debtor

as described in paragraph (a) of this section, the Endowment Official shall notify the employee whether the employee's proposed written agreement for repayment is acceptable. It is within the Endowment Officials discretion to accept a repayment agreement instead of proceeding by offset. In making this determination, the Endowment Official will balance the Endowment's interest in collecting the debt against hardship to the employee. If the debt is delinquent and the employee has not disputed its existence or amount, the Endowment Official will accept a repayment agreement instead of offset only if the employee is able to establish that offset would result in undue financial hardship or would be against equity and good conscience.

§ 1150.51 Procedures for salary offset: When deductions may begin.

(a) Deductions to liquidate an employee's debt shall be by the method and in the amount stated in the Endowment's Notice of Intent to collect from the employee's current pay.

(b) If the employee filed a petition for hearing with the Endowment Official before the expiration of the period provided for in § 1150.45, then deductions will not begin until the Endowment has provided the employee with a hearing and the final written decision is in favor of the Endowment.

(c) If an employee dies, retires, or resigns before collection of the amount of the indebtedness is complete, the remaining indebtedness shall be collected according by the procedures for administrative offset (see §§ 1150.20-1150.37).

§ 1150.52 Procedures for salary offset: Types of collection.

A debt shall be collected in a lump-sum or in installments. Collections will be by lump-sum collection unless the employee is financially unable to pay in one lump-sum, or if the amount of the debt exceeds 15 percent of disposable pay. In these cases, deductions shall be by installments.

§ 1150.53 Procedures for salary offset: Methods of collection.

(a) General. A debt shall be collected by deductions at officially-established pay intervals from an employee's current pay account, unless the employee and the Endowment Official agree to alternate arrangements for repayment. The alternative arrangement must be in writing and be signed by both the employee and the Endowment Official.

(b) Installment deductions. Installment deductions shall be made

over a period not greater than the anticipated period of employment. The size and frequency of installment deductions will bear a reasonable relation to the size of the debt and the employee's ability to pay. However, the amount deducted for any period shall not exceed 15 percent of the disposable pay from which the deduction is made, unless the employee has agreed in writing to the deduction of a great amount. If possible, the installment payment will be sufficient in size and frequency to liquidate the debt in three years or less. Installment payments of less than \$25 per pay period or \$50 a month shall be accepted only in the most unusual circumstances.

(c) Sources of deductions. The Endowment will make deductions only from basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an employee not entitled to basic pay, other authorized pay.

§ 1150.54 Procedures for salary offset: imposition of interest.

Interest will be charged in accordance with § 1150.8(e).

§ 1150.55 Non-waiver of rights.

So long as there are no statutory or contractual provisions to the contrary, no employee involuntary payment (of all or a portion of a debt) collected under these regulations shall be interpreted as a waiver of any rights that the employee may have under 5 U.S.C. 5514.

§ 1150.56 Refunds.

(a) The Endowment shall refund promptly to the appropriate individual amounts offset under these regulations when a debt is waived or otherwise found not owing the United States (unless expressly prohibited by statute or regulation) or when the Endowment is directed by an administrative or judicial order to refund amounts deducted from the employee's current pay.

(b) The creditor agency will promptly return any amounts deducted by the Endowment to satisfy debts owed to the creditor agency when the debt is waived, found not owed, or when directed by an administrative or judicial order.

(c) Unless required by law, refunds under this subsection shall not bear interest.

§ 1150.57 Statute of limitations.

If a debt has been outstanding for more than 10 years after the agency's right to collect the debt first accrued, the agency may not collect by salary offset unless facts material to the

Government's right to collect were not known and could not reasonably have been known by the official or officials who were charged with the responsibility for discovery and collection of such debts.

[FR Doc. 92-3980 Filed 2-21-92; 8:45 am]

BILLING CODE 7537-01-M

Notices

Federal Register

Vol. 57, No. 36

Monday, February 24, 1992

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

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 2 p.m. and adjourn at 5 p.m. on Friday, March 13, 1992, at the Sheraton Resort, Salter Path Road, Atlantic Beach, North Carolina 28512. The purpose of this meeting is: (1) To discuss the status of the Commission; (2) to hear reports on civil rights progress and/or problems in the State; and (3) to discuss the current project for FY 1992.

Persons desiring additional information, or planning a presentation to the Committee should contact North Carolina Chairperson, Joseph DiBona at 919/684-3924 or Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730-2476, TDD 404/730-2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, February 18, 1992.

Carol-Lee Hurley,
Chief, Regional Programs Coordination Unit.

[FR Doc. 92-4134 Filed 2-21-92; 8:45 am]
BILLING CODE 6335-01-M

Agenda and Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the

provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Tuesday, March 17, 1992, at the Residence Inn by Marriott, 2300 Elm Hill Pike, Nashville, Tennessee 37210. The purpose of the meeting is: (1) To discuss the status of the Commission; (2) to discuss and update current projects; and (3) to receive information from community leaders on racial tensions in Nashville.

Persons desiring additional information, or planning a presentation to the committee should contact Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730-2476, TDD 404/730-2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, February 18, 1992.

Carol-Lee Hurley,
Chief, Regional Programs Coordination Unit.
[FR Doc. 92-4733 Filed 2-21-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 82-91]

Foreign-Trade Zone 125—South Bend, IN; Application for Subzone, Fairmont/Gulfstream Modular Housing Recreational Vehicle Plants, Elkhart County; Extension of Public Comment Period

The comment period for the above case, requesting authority for special-purpose subzone status for the modular housing and recreational vehicle plants of Fairmont Homes, Inc., and its subsidiary, Gulf Stream, Inc., located in Elkhart County, Indiana (57 FR 40, 1/2/92), is extended to March 30, 1992, to allow interested parties additional time in which to comment on the proposal. Comments in writing are invited

during this period. Submissions should include 5 copies. Material submitted will be available at: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th and Pennsylvania Avenue NW., Washington, DC 20230.

Dated: February 18, 1992.

John J. Da Ponte, Jr.,
Executive Secretary.
[FR Doc. 92-4178 Filed 2-21-92; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews and various antidumping and countervailing duty orders, findings and suspension agreements with January anniversary dates in accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Roland L. MacDonald, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-2104.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received timely requests, in accordance with § 353.22(a)(1) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements, with January anniversary dates.

Initiation of Reviews

In accordance with §§ 353.22(c) and 355.22(c) of the Department's regulations, we are initiating

administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews not later than January 31, 1993.

Antidumping duty proceedings and firms	Periods to be reviewed
France: Anhydrous sodium metasilicate A-427-098 Rhône-Poulenc.....	1/1/91-12/31/91
Korea: Stainless steel cooking ware A-580-601 Namil Metal Co Dae Lim Trading Co Photo albums and filler pages A-580-501 Four Star Trading Co.....	1/1/91-12/31/91 12/1/90-11/30/91
Peoples Republic of China: Potassium permanganate A-570-001 China National Chemicals Import and Export Corporation..... Tongji Chemical Plant Jinan Huaiyin Chemical General Factory Tianjin Haiyang Chemical Plant Changsha Organic Chemical Plant Beijing Dayu Chemical Plant Zunyi Chemical Plant Chongqing Jiailing Chemical Plant Jinan Tailu Chemical Industry Products Co., Ltd China Export Bases Development Corp. Guangdong Foreign Economics Development Co., Ltd Guangdong Foreign Trading Development Guangdong Foreign Economic Relations & Guangxi Import & Export Trading Corporation Guilin Native Produce & Animal China Native Produce and Animal By-Products I/E Corporation Shenzhen Metals Materials Co. Hunan Chemicals & Medicines Guangxi Zhuang Autonomous Region Chemical Spa Guangzhou Chemicals China National Foreign Trade Guangxi Guilin Prefecture Hei Long Jiang Machinery Imports Exports Strong Guide Guangzhou Chemicals Sinchart	1/1/91-12/31/91

Antidumping duty proceedings and firms	Periods to be reviewed
Tin Sing Chemical Engineers, Ltd K L & Company Yue Pak Co., Ltd Sam Wing International, Ltd Far Ocean Trading Co Landyet Company, Ltd Go Up Company Hip Fung Trading Company AEL Asia Express (HK) Ltd Anduk Industry Supply Co. Ltd Asia Express Company Asia Express Packages Chemproha Chemical Distributors Ltd Mayer Shipping Ltd Newesdean Trading Co. Ltd Pan Air & Sea Forwarders (HK) Ltd Power Shipping Co Progressive Resources Ltd Reimer Martens Santex Import & Export Co Seagull Container Line Continental Freight Forwarders Devoted Cargo Services (HK) Ltd Dynamic Freight Services Ltd Far Ocean Trading Co He-Ro Chemicals Ltd ICD Group (HK) Ltd International Merona Ltd J. A. Moeller (HK) Ltd Kenwa Shipping Co. Ltd Sidneyson Ltd Vincent Shipping Co Meikien Trading Co. Ltd AVA INTL BBT PRO CHEMIE Countervailing duty proceedings	
Thailand: Butt-Weld Pipe Fittings C-549-804 Suspended investigations Colombia: Roses and other fresh cut flowers..... C-301-003 Miniature carnations..... C-301-601 Costa Rica: Certain fresh cut flowers..... C-223-601 Hungary: Truck trailer axles and brake assemblies A-437-001 RABA.....	1/1/91-12/31/91 1/1/91-12/31/91 1/1/91-12/31/91

Interested parties must submit applications for administrative protective orders in accordance with §§ 353.34(b) and 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 353.22(c) and 355.22(c) (1989).

Dated: February 18, 1992.

Joseph A. Spetrini,
Deputy Assistant Secretary for Compliance.
[FR Doc. 92-4179 Filed 2-21-92; 8:45 am]
BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Receipt of application for permit (P494).

Notice is hereby given that Mr. Paul D. Jobsis, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, CA 92093-0204, has applied for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant requests authority to obtain up to 15 harbor seals (*Phoca vitulina*) from local strandings, rehabilitated or captive born stocks at Sea World of California. The purpose of the study is to better understand how seals utilize their hemoglobin and myoglobin oxygen stores during diving, and to better understand the differences in restrained dives and unrestrained dives. Activities will be conducted at Scripps Institute of Oceanography.

The arrangements and facilities for transporting and maintaining the marine mammals requested in this application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the

Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., Suite 7324, Silver Spring, Maryland 20910; and

Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Long Beach, California 90802-4213 (310/980-4015).

Dated: February 12, 1992.

Charles Kamella,

Acting Director, Office of Protected Resources.

[FR Doc. 92-4113 Filed 2-21-92; 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 Pelagic Plan Team (PPT) will hold a public meeting on February 27-28, 1992, at the Honolulu Laboratory Conference Room, 2570 Dole Street, Honolulu, HI.

The PPT meeting will begin at 9 a.m. The agenda follows: (1) Develop recommendations for the Council on any proposals which may be prepared regarding changes to longline area closures; (2) discuss preparation of the 1991 annual report; (3) begin 5th year evaluation on Pelagic Fishery Management Plan (FMP); (4) review information on the status of the Hawaii ika-shibi fishery and prepare a recommendation regarding the need for limited access; (5) review the longline fishery logbook and discuss whether any revisions are needed; (6) discuss the status of amendment #6, which is to include tuna under the Pelagic FMP; (7) review preliminary results of pilot creel survey (Oahu ports); (8) develop a report on the progress of data and analysis tasks described under the 3 year moratorium data plan; and (9) discuss other business.

For further information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone (808) 523-1363.

Dated: February 18, 1992.

David S. Crestin,

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

[FR Doc. 92-4099 Filed 2-21-92; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Financial Products Advisory Committee

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 section 10(a) and 41 CFR 101-6.1015(b), that the Commodity Futures Trading Commission's Financial Products Advisory Committee will conduct a public meeting in the Lower Level Hearing Room (B-1) at the Commission's Washington, DC headquarters located at 2033 K Street, NW., Washington, DC 20581, on March 12, 1992, beginning at 1:30 p.m. and lasting until 5 p.m. The agenda will consist of:

Agenda

1. Effect of the Supreme Court's decision in *Arkansas Best Corp. v. Commissioner*, 485 U.S. 212 (1988), on hedging in the futures markets.
2. Review of recommendations made in the Committee's 1987 study on the CFTC's definition of hedging. Discussion of need to update study or to explore related areas.
3. Report from Division of Trading and Markets on proposed rules creating an accredited investor exemption to some commodity pool regulations and permitting bifurcated risk disclosure. Discussion of applicability of regulatory approach of these proposals to other Commission regulations.
4. Block trading—APS, LOX, other systems. Discussion of other approaches to permitting block trading.
5. International issues update—foreign stock index futures, proposed relief to permit FCMs to offer and sell foreign-exchange traded options to non-U.S. persons, global settlement. Discussion of other possible areas of relief.
6. Development of agenda items for future meetings.
7. Other items of Committee consideration: timing of next meeting; other Committee business.

The purpose of this meeting is to solicit the views of the Committee on these agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of advising the Commission on the assessment of

issues concerning individuals and industries interested in or affected by financial markets regulated by the Commission. The purposes and objectives of the Advisory Committee are more fully set forth in the April 25, 1991 Charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, CFTC Commissioner Sheila C. Bair, is empowered to conduct the meeting in a fashion that will, in her judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: the Commodity Futures Trading Commission Financial Products Advisory Committee, c/o Susan Milligan, 2033 K Street NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Ms. Milligan in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC, on February 19, 1992.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4181 Filed 2-21-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Department of Defense Chlorofluorocarbons Advisory Committee

ACTION: Notice.

SUMMARY: The Department of Defense Chlorofluorocarbons (CFC's) Advisory Committee was renewed for a two-year period, effective February 16, 1992, in accordance with the provisions of Public Law 92-463, the "Federal Advisory Committee Act." The CFC's Committee was originally established pursuant to Public Law 101-189, the "National Defense Authorization Act for Fiscal Years 1990 and 1991."

The CFC's Committee provides timely and expert advice to the Secretary of Defense and other DoD officials on the formulation of policy with respect to the uses of CFC's within the Department of Defense and the consideration of substitute technologies. The CFC's committee will determine the feasibility

and cost estimation of chemical substitutes and alternative technologies and will assist in technology transfer. Membership on the CFC's Committee is well-balanced in terms of the specialized missions to be accomplished and the diverse interest groups represented. Members are drawn from among senior DoD and Environmental Protection Agency officials, private industry representatives, and state government legislators.

For further information on the CFC's Committee, contact: Mr. William Goins office of the Deputy Assistant Secretary of Defense (Environment) (703) 695-8360.

Dated: February 18, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-4102 Filed 2-21-92; 8:45 am]

BILLING CODE 3810-01-M

The Joint Staff; Joint Strategic Target Planning Staff Strategic Advisory Group: Closed Meeting

AGENCY: Joint Strategic Target Planning Staff, Department of Defense.

ACTION: Notice of closed meeting.

SUMMARY: The Director of Strategic Target Planning has scheduled a closed meeting of the Strategic Advisory Group.

DATES: The meeting will be held from 1 to 3 April 1992.

ADDRESSES: The meeting will be held at Offutt AFB, Nebraska.

FOR FURTHER INFORMATION CONTACT: The Joint Strategic Target Planning Staff, Strategic Advisory Group, Offutt AFB, Nebraska 68113.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss strategic issues that relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified TOP SECRET in accordance with Executive Order 12356, 2 April 1982. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to-know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense. Accordingly, the meeting will be closed in accordance with 5 U.S.C. app II Para 10(d) (1976), as amended.

Dated: February 14, 1991.

Linda M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-4101 Filed 2-21-92; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

(Docket Nos. ER92-309-000, et al.)

Electric Rate, Small Power Production, and Interlocking Directorate Filings; Florida Power & Light Company, et al.

February 13, 1992.

Take notice that the following filings have been made with the Commission:

1. Florida Power & Light Company

[Docket No. ER92-309-000]

Take notice that Florida Power & Light Company (FPL) on February 4, 1992, tendered for filing an agreement entitled "Agreement for Connection of Facilities Among Florida Power & Light Company and Seminole Electric Cooperative, Inc. and Lee County Electric Cooperative, Inc." FPL requests that the agreement be made effective December 31, 1991.

Comment date: February 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Northern States Power Company (MN), Northern States Power Company (WI)

[Docket No. ER92-302-000]

Take notice that on January 31, 1992, Northern States Power Company (NSP) tendered for filing the Eastern Interconnection and Interchange Agreement dated December 31, 1991, between Northern States Power Company (Minnesota) (NSP-MN), Northern States Power Company (Wisconsin) (NSP-WI) and the Wisconsin Public Incorporated System (WPPI).

The Eastern Interconnection and Interchange Agreement (Eastern Agreement) provides for certain sales of power and/or energy between NSP and WPPI pursuant to service schedules attached to the Eastern Agreement, including the terms and conditions of such services. NSP services pursuant to the Eastern Agreement will be provided to WPPI on behalf of member cities in eastern Wisconsin not located in the Mid-Continent Area Power Pool (MAPP) region and not subject to the MAPP Agreement.

NSP requests that the Eastern Interconnection and Interchange

Agreement be accepted for filing effective November 1, 1991, and requests waiver of Commission's notice requirements in order for the Agreement to be accepted for filing on that date.

Comment date: February 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Chicago Energy Exchange of Chicago, Inc.

[Docket Nos. ER90-225-006 and EL90-17-001]

Take notice that on October 25, 1991 and January 30, 1992, Chicago Energy Exchange of Chicago, Inc. (Energy Exchange) filed certain information as required by Ordering Paragraph (L) of the Commission's April 19, 1990 order in this proceeding. 50 FERC ¶ 61,054 (1990). Copies of Energy Exchange informational filing are on file with the Commission and are available for public inspection.

4. PacifiCorp Electric Operations

[Docket No. ER91-553-000]

Take notice that PacifiCorp Electric Operations (PacifiCorp) on February 4, 1992 tendered for filing, in accordance with the Commission's staff's request, an amended filing of the Electric Supply Agreement (Agreement) between PacifiCorp and Brigham City Corporation (Brigham).

The Amendment provides additional information relating to the charges for capacity and energy and the escalator used to establish future energy prices.

PacifiCorp respectfully re-news its request for a waiver of prior notice and that an effective date of October 1, 1989 be assigned by the Commission.

Copies of this filing have been supplied to Brigham and the Utah Public Service Commission.

Comment date: February 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Scranton Energy Partners

[Docket No. QF92-12-000]

On February 10, 1992, Scranton Energy Partners, tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to ownership structure, use of fossil fuel and transmission line connecting to the facility.

Comment date: March 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. James River II, Inc.

[Docket No. QF91-209-000]

On February 3, 1992, James River II, Inc. tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining primarily to the technical data and the ownership structure of the small power production facility.

Comment date: February 26, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Montaup Electric Company

[Docket No. ER92-315-000]

Take notice that on February 6, 1992, Montaup Electric Company (Montaup) filed a letter under Section 205 of the Federal Power Act of a credit of \$4,776,089 under its Purchased Capacity Adjustment Clause (PCAC) to true up the amounts billed in 1991 under a forecast billing rate to conform with actual purchased capacity costs. The credit will appear in bills for January 1992 service rendered for all requirement service to Montaup's affiliates Eastern Edison Company in Massachusetts and Blackstone Valley Electric Company in Rhode Island, and for contract demand service to one affiliate, Newport Electric Corporation, and two non-affiliates: Pascoag Fire District in Rhode Island and the Town of Middleborough in Massachusetts.

Comment date: February 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. National Electric Associates Limited Partnership

[Docket No. ER90-168-007]

Take notice that on January 23, 1992, National Electric Associates Limited Partnership (NEA) filed certain information as required by Ordering Paragraph (L) of the Commission's March 20, 1990 order in this proceeding. 50 FERC ¶ 61,378 (1990). Copies of NEA's informational filing are on file with the Commission and are available for public inspection.

9. Northern Indiana Public Service Company

[Docket No. ER92-314-000]

Take notice that on February 6, 1992, Northern Indiana Public Service Company (NIPSCO) tendered for filing as a change in rate schedules, Addendum 1 to the rates for service provided by NIPSCO in the individual interconnection agreements with Central Illinois Public Service Company (CIPS), Commonwealth Edison Company/

Detroit Edison Company (CPR), Indiana Michigan Power Company (I&M), Indiana Municipal Power Agency (IMPA), PSI Energy, Inc. (PSI), and Wabash Valley Power Association (WVPA).

Copies of this filing have been served upon all of the parties and the Indiana Utility Regulatory Commission.

Comment date: February 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph:

E. 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casbell,

Secretary.

[FR Doc. 92-4156 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-329-000, et al.]

Panhandle Eastern Pipe Line Company, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Panhandle Eastern Pipe Line Company

[Docket No. CP92-329-000]

February 10, 1992.

Take notice that on February 4, 1992, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP92-329-000 a request pursuant to §§ 157.205 and 284.211 of the Commission's Regulations for authorization to construct and operate two 2" taps and associated piping located in Christian County, Illinois, under Panhandle's blanket certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the

Commission and open to public inspection.

It is asserted that these taps would enable Panhandle to provide transportation service to Archer Daniel Midland Company, pursuant to § 284.223(a). It is stated that construction would begin upon expiration of the 45-day notice period and the facilities would cost approximately \$116,500.

Comment date: March 26, 1992, in accordance with Standard Paragraph G at the end of this notice.

2. Northern Natural Gas Company

[Docket No. CP92-334-000]

February 10, 1992.

Take notice that on February 6, 1992, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP90-2165-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate two small volume measuring stations and appurtenant facilities as delivery points to provide natural gas deliveries to Peoples Natural Gas Company, a Division of UtiliCorp United Inc. (Peoples) under the authorization issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern requests this authority to provide natural gas service to Peoples, under Northern's Argus Rate Schedule to serve Sy Huelskamp, an end-user located in Finney County, Kansas, and under Northern's Rate Schedule CD-1 to serve the U.S. Fish and Wildlife Services, a commercial end-user in Jackson County, Minnesota. It is stated that the additional natural gas volumes will be used by Mr. Huelskamp as fuel for an irrigation engine and by the U.S. Fish and Wildlife Services as heating for their offices. It is anticipated that the proposed peak day and annual volumes to be delivered by Peoples at the affected delivery points and the end use of such volumes are as follows:

Delivery point	Proposed peak day (Mcf)	Annual
Huelskamp	72	9,730
U.S. Fish and Wildlife	4	826

Northern states that the proposed deliveries to Peoples will be within the currently effective entitlements for Peoples. Northern states that the

proposed volumes will be served from the total firm entitlements currently assigned to Rural Tap Sales—Other Mainline. Northern avers that there will not be any firm entitlements assigned to Sy Huelskamp or the U.S. Fish and Wildlife Services.

Northern states that installation of the proposed facilities will be financed in accordance with the General Terms and Conditions of Northern's FERC Gas Tariff, Third Revised Volume No. 1. Northern estimates the total cost to install the proposed delivery points at \$2,965, which cost Peoples will be required to reimburse Northern.

Northern states that the total volumes of gas to be delivered to the customer after request do not exceed the total volumes authorized prior to the request. Northern further states that the proposal is not prohibited by its existing tariff and that it has sufficient capacity to accomplish the changes proposed without detriment or disadvantage to its other customers.

Comment date: March 26, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Kern River Gas Transmission Company

[Docket No. CP92-337-000]
February 12, 1992.

Take notice that on February 6, 1992, Kern River Gas Transmission Company (Kern River), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-337-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate certain tap and meter facilities under Kern River's blanket certificate issued in Docket No. CP89-2048-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Kern River proposes to construct and operate a 3-inch tap and metering facilities, including buildings and ancillary equipment, required to deliver gas to Amoco Energy Trading Corporation (Amoco) at a point on Kern River's system in Utah. It is stated that pursuant to a transportation service agreement between Kern River and Amoco, Kern River would deliver gas to Amoco at, *inter alia*, milepost 345.8 on Kern River's mainline facilities at Section 32, Township 34 South, Range 14 West in Iron County, Utah. Kern River also states that the maximum delivery volume at this point would be 8,000 Mcf per day.

Kern River states that it would provide the related service to Amoco under authority of its blanket transportation certificate issued in Docket No. CP89-2047-000 and pursuant to the terms of Kern River's KRF-1 firm transportation rate schedule. Additionally, Kern River states that deliveries to Amoco would not impact Kern River's ability to render service to other firm shippers within their firm contract MDQ's.

Comment date: March 30, 1992, in accordance with Standard Paragraph G at the end of this notice.

4. Mobil Natural Gas Inc., et al.

[Docket No. CI88-307-003, et al.]¹
February 13, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Comment date: March 3, 1992, in accordance with Standard Paragraph J at the end of this notice.

APPENDIX

Docket No.	Dated filed	Applicant
CI89-307-003	2-6-92	Mobil Natural Gas Inc., 12450 Greenspoint Drive, Houston, Texas 77060-1991.
CI88-346-005 ²	2-6-92	Anthem Energy Company, L.P., (formerly Anthem Energy Company), 333 Clay Street, suite 2000, Houston, Texas 77002.
CI91-77-001	2-3-92	Gulf States Gas Corporation, 1000 Louisiana, suite 4960, Houston, Texas 77002.
CI91-78-003 ³	2-3-92	Gulf States Pipeline Corporation, 1324 N. Hearne Avenue, suite 300, Shreveport, Louisiana 71107.

² Applicant also requests amendment of its certificate (1) to reflect Anthem Energy Company, L.P. as the certificate holder and (2) to include authorization for sales for resale in interstate commerce of import-

³ This notice does not provide for consolidation for hearing of the several matters covered herein.

ed natural gas, including liquefied natural gas, and natural gas purchased from non-first sellers, including interstate pipelines, intrastate pipelines and local distribution companies.

³ Applicant is an intrastate pipeline company.

5. Tennessee Gas Pipeline Company

[Docket No. CP92-338-000]
February 13, 1992.

Take notice that on February 7, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-338-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery point for Tenngasco Corporation (Tenngasco) under Tennessee's blanket certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee states that it has entered into an amendment dated February 6, 1992, to a gas transportation agreement with Tenngasco to deliver up to 1,000 dt of natural gas per day to HUBCO Exploration, Inc. (HUBCO), for Tenngasco's account. The gas would be used for gas lift purposes, it is stated.

In order to deliver the natural gas to HUBCO, Tennessee requests authorization to construct and operate an additional delivery point, consisting of two 1-inch hot taps and 1-inch high pressure tubing, in Plaquemines Parish, Louisiana. Tennessee states that it would be reimbursed for the cost of the facilities.

Tennessee further states that the total quantities of natural gas to be delivered to Tenngasco would not exceed presently authorized quantities and the change is not prohibited by Tennessee's existing tariff. Tennessee asserts that it has sufficient capacity in its system to accomplish the deliveries of gas at the new delivery point without detriment or disadvantage to its other customers.

Comment date: March 30, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. Marathon Oil Company

[Docket No. CI82-78-001]
February 13, 1992.

Take notice that on December 23, 1991, as supplemented on January 27, 1992, Marathon Oil Company (Marathon) of P.O. Box 3128, Houston, Texas 77253, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for a blanket certificate to

authorize jurisdictional sales of gas under contracts to which Marathon is or becomes a successor-in-interest prior to the effective date of total decontrol under the Natural Gas Wellhead Decontrol Act of 1989, all as more fully set forth in the application which is on file with the Commission and open for public inspection. Marathon also requests that the Commission waive its regulations regarding the establishment of rate schedules.

Comment date: March 5, 1992, in accordance with Standard Paragraph J at the end of this notice.

7. El Paso Natural Gas Company

[Docket No. CP92-341-000]

February 13, 1992.

Take notice that on February 10, 1992, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP92-341-000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon 21 miscellaneous tap facilities and the services rendered through those facilities, under its blanket certificate issued in Docket No. CP82-435-000, pursuant to section 7(b) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso states it periodically reviews the operating status of its facilities. It is stated that the review, along with the customers' advisements, indicates that there are twenty-one miscellaneous tap and/or meter facilities eligible for abandonment, consisting of eighteen taps and three meter stations. El Paso indicates that eighteen of the facilities were used to serve Southwest Gas Corporation and that the other three facilities were used to serve Duncan Rural Services Inc., Citizens Utilities Company, and City of McLean, Texas. Accordingly, El Paso proposes to abandon the twenty-one facilities, with associated appurtenances, and the natural gas services rendered through these facilities.

El Paso states that it was authorized to construct and operate the facilities and provide the related services under specific certificates or as permitted under § 2.55(c) of the Commission's Rules of Practice and Procedure. It is indicated that the facilities were required to facilitate, generally, the delivery and/or measurement and sale of natural gas from its interstate transmission pipeline system to certain customers for resale for residential, commercial or agricultural uses.

El Paso has submitted agreements with the customers consenting to the facility and service abandonment. It is indicated that the abandonments would not result in or cause any interruption, reduction or termination of natural gas service presently rendered by El Paso to any of its customers. El Paso also states that it would remove and place into stock the salvable materials and scrap the nonsalvageable items, without change in its average cost of service.

Comment date: March 30, 1992, in accordance with Standard Paragraph G at the end of this notice.

8. Columbia Gas Transmission Corporation

[Docket No. CP92-339-000]

February 13, 1992.

Take notice that on February 7, 1992, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia, 25314, filed in Docket No. CP92-339-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to establish an additional delivery point for service to South Jersey Gas Company (South Jersey), an existing wholesale customer, under Columbia's blanket certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia states that South Jersey has requested the additional delivery point in order to supplement its existing markets. It is stated that Columbia would utilize the delivery point for sales to South Jersey pursuant to Columbia's Rate Schedule CDS of up to 35,000 dt equivalent of natural gas per day and 3,650,000 dt equivalent on an annual basis for redelivery through South Jersey's distribution system in Gloucester County, New Jersey. Columbia explains that the end uses of the gas would be residential, commercial and industrial. It is asserted that these sales would be within South Jersey's currently authorized peak day entitlement from Columbia and that there would be no impact on Columbia's other customers. It is further asserted that no construction would be required to place the delivery point in service.

Comment date: March 30, 1992, in accordance with Standard Paragraph G at the end of this notice.

9. MidCon Marketing Corp., et al.

[Docket No. CI87-307-007, et al.⁴]

February 13, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Comment date: March 5, 1992, in accordance with Standard Paragraph J at the end of the notice.

APPENDIX

Docket No.	Date filed	Applicant
CI87-307-007 ^a	2-11-92	MidCon Marketing Corp., 701 East 22nd Street, Lombard, Illinois 60148.
CI89-483-002 ^a	2-7-92	Citrus Industrial Sales Company, Inc., P.O. Box 1188, Houston, Texas 77251-11188.
CI90-71-002 ^a	2-7-92	Citrus Trading Corp., P.O. Box 1188, Houston, Texas 77251-1188.
CI90-149-002 ^a	2-7-92	Citrus Marketing, Inc., P.O. Box 1188, Houston, Texas 77251-1188.

^a Applicant also requests amendment of its certificate to remove the rate restriction on sales of gas purchased from its affiliated interstate pipeline under the interruptible sales service (ISS) program.

^b Applicant also requests amendment of its certificate to remove the condition that the certificate is subject to the outcome of Docket No. RM87-5 and remove the rate restriction applicable to sales of ISS gas purchased from its affiliated pipeline.

10. Transcontinental Gas Pipe Line Corporation

[Docket No. CP92-348-000]

February 14, 1992.

Take notice that on February 12, 1992, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP92-348-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain services to Tennessee Gas Pipeline Company (Tennessee) which are being performed under

⁴ This notice does not provide for consolidation for hearing of the several matters covered herein.

Transco's Rate Schedules X-181 and X-259, all as more fully set forth in the application on file with the Commission and open to public inspection.

Transco requests authorization to abandon an exchange and transportation arrangement (Rate Schedule X-181; agreement dated June 2, 1978) with Tennessee which was authorized by Commission order issued November 22, 1978, in CP78-422-000 (5 FERC ¶ 61,165), by which Transco transports up to 25,000 Mcf per day of natural gas available to Tennessee in High Island Block A-330.

Additionally, Transco requests authorization to abandon an interruptible transportation service (Rate Schedule X-259; agreement dated February 5, 1985) to Tennessee which was certificated in Docket No. CP86-220-000 on February 3, 1986 (34 FERC ¶ 62,293), and by which up to 150,000 Mcf of natural gas produced in Brazos Area Blocks A-16, A-17, A-22, A-28, Mustang Island Block A-65, and Galveston Area Blocks 391 and 393 is transported.

Transco explains that, although the terms of the agreements have not expired, Transco and Tennessee have agreed to the early abandonment of the services to be effective on the date the Commission grants the requested authorization.

Transco advises that no facilities would be abandoned.

Comment date: March 6, 1992, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4155 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-03686T Wyoming-20 Addition 1]

State of Wyoming; NGPA Determination by Jurisdictional Agency Designating Tight Formation

February 18, 1992.

Take notice that on February 10, 1992, the Oil and Gas Conservation Commission of the State of Wyoming (Wyoming), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Baxter Formation within the Birch Creek Unit, Sublette County, Wyoming, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The area of application is federally (BLM) supervised and consists of the following sections within Township 27 North, Range 113 West: Sections 1, 2, and 3; Lots 1, 2, 3 and 4, S/2N/2, S/2; Section 4: Lot 1, SE/4NE/4, E/2SE/4; Section 9: E/2E/2; Sections 10 through 15: All; Section 22: N/2, N/2S/2, S/2SE/4, SE/4SW/4; Sections 23 through 28: All.

The notice of determination also contains Wyoming's findings and BLM's concurrence that the reference portion of the Baxter Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4106 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-340-000]

Chattanooga Gas Co.; Motion Requesting Waiver

February 18, 1992.

Take notice that on February 7, 1992, Chattanooga Gas Company (Chattanooga), 811 Broad Street, Chattanooga, Tennessee 37402, filed a motion with the Commission requesting a waiver of the Commission's reporting and accounting requirements and all other rules and regulations under the Natural Gas Act (NGA) and Natural Gas Policy Act of 1978 (NGPA) that may be applicable to Chattanooga as a natural

gas company all as more fully set forth in the motion which is open to public inspection.

Chattanooga states that it is a local distribution company engaged in the purchase, distribution, and retail sale of natural gas in Tennessee pursuant to authorization granted by the Tennessee Public Service Commission. The Commission authorized Chattanooga on November 21, 1990, to provide East Tennessee Natural Gas Company (East Tennessee), its only current jurisdictional customer, with liquefied natural gas (LNG) service.¹ Chattanooga is authorized to provide East Tennessee with firm LNG sales of up to 200,000 Mcf annually and maximum daily withdrawal quantities of up to 13,000 Mcf. If East Tennessee were to purchase the maximum firm volumes under the certificated service, such revenues would comprise only 1.3 percent of Chattanooga's total revenue. Chattanooga states that its compliance with such reporting and accounting requirements is unnecessary since Chattanooga is essentially a non-jurisdictional entity with *de minimal* jurisdictional revenues.

Any person desiring to be heard or to make any protest with reference to said motion requesting waiver should on or before March 10, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4161 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-143-010]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 18, 1992.

Take notice that CNG Transmission Corporation (CNG) on February 13, 1992,

¹ See East Tennessee Natural Gas Company, Docket No. CP90-1922-000 and Chattanooga Gas Company, Docket No. CP90-2060-000 (53 FERC ¶ 61,225).

tendered for filing revised tariff sheets listed on the Appendix attached to the filing. The proposed effective date is March 1, 1992.

CNG states that the purpose of the filing is to implement the Stipulation and Agreement that was approved by the Commission in Docket No. RP90-143-006 on February 6, 1992.

CNG states that copies of the filing were served upon CNG's customers as well as interested parties.

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 25, 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. 92-4160 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-113-000]

El Paso Natural Gas Co.; Tariff Filing

February 18, 1992.

Take notice that on February 13, 1992, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, Second Revised Sheet No. 117 contained in its FERC Gas Tariff, First Revised Volume No. 1-A. El Paso states that the filing reflects a reduction in the billing determinant for Westar Transmission Company ("Westar") and the addition of a billing determinant for West Texas Gas, Inc. ("West Texas Gas") under Rate Schedule T-3. El Paso requests that the tariff sheet be accepted for filing and permitted to become effective January 1, 1992.

El Paso states that by orders issued March 20, 1991 and August 14, 1991 at Docket No. RP88-44-000, *et al.*, the Commission approved El Paso's Stipulation and Agreement ("Settlement") which became effective August 31, 1991 and provides, *inter alia*, that all sales customers must convert firm sales entitlements to firm transportation pursuant to Rate Schedules T-3 or FTS-S, as applicable,

contained in El Paso's Volume No. 1-A Tariff. All conversions were to be completed no later than January 1, 1992. El Paso states that, accordingly, Westar and West Texas Gas each entered into a Transportation Service Agreement ("TSA") with El Paso dated, respectively, December 31, 1991 and October 22, 1991, to be effective January 1, 1992, under Rate Schedule T-3 contained in El Paso's Volume No. 1-A Tariff. El Paso states that neither party elected to convert 100% of their firm sales entitlements to firm transportation. Rather, each elected a Transportation Contract Demand.

El Paso states that in its Section 4 rate filing at Docket No. RP91-188-000, filed July 1, 1991, El Paso included a billing determinant for Westar which was based on the conversion to firm transportation of Westar's full requirements under Rate Schedule T-3. El Paso states that in subsequent negotiation of its TSA, Westar agreed to convert its firm sales entitlements to firm transportation under Rate Schedule T-3 with a Transportation Contract Demand of 30,000 Mcf per day instead of full requirements. Accordingly, El Paso tendered Second Revised Sheet No. 117 to reflect the reduction in Westar's billing determinant to 30,900 dth per day, which is the dekatherm equivalent of 30,000 Mcf per day.

In addition, El Paso states that tendered Second Revised Sheet No. 117 reflects the addition of a billing determinant for West Texas Gas. West Texas Gas elected to convert its firm sales entitlements to firm transportation under Rate Schedule T-3 with a Transportation Contract Demand of 1,000 Mcf per day rather than full requirements. Accordingly, Second Revised Sheet No. 117 also reflects the addition of a billing determinant of 1,030 dth per day (dekatherm equivalent of 1,000 Mcf per day) for West Texas Gas pursuant to such election.

El Paso requests that, pursuant to Section 154.51 of the Commission's Regulations, waiver of the notice requirements of Section 154.22 of the Commission's Regulations be granted so as to permit the tendered tariff sheet to become effective January 1, 1992, the effective date of Westar's and West Texas Gas' TSA and the date the applicable reservation charges under Rate Schedule T-3 commenced.

El Paso states that copies of the filing were served upon all interstate pipeline system transportation customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 92-4163 Filed 2-21-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA92-1-53-001]

K N Energy, Inc.; Proposed Changes in FERC Gas Tariff

February 18, 1992.

Take notice that K N Energy, Inc. ("K N") on February 13, 1992 tendered for filing proposed changes in its FERC Gas Tariff to correct a typographic error contained on one of the tariff sheets filed on January 30, 1992, with its regularly scheduled quarterly PGA.

K N states that copies of the filing were served upon K N's jurisdictional sales customers and interested public bodies.

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 25, 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. 92-4158 Filed 2-21-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP91-189-003]

Midwestern Gas Transmission Co.; Notice to Move Rates Into Effect

February 18, 1992.

Take notice that on January 31, 1992, Midwestern Gas Transmission Company (Midwestern) seeks to supplement its December 31, 1991 Motion to Move Rates Into Effect in the above referenced proceeding.

Midwestern states that in its December 31 motion, Midwestern did not specifically reference to the following tariff sheets:

Third Revised Sheet No. 1
Twenty-third Revised Sheet No. 6
Third Revised Sheet No. 10
Third Revised Sheet No. 11
Third Revised Sheet No. 20
Second Revised Sheet Nos. 23 through 29
Third Revised Sheet No. 30
Fifth Revised Sheet No. 45
Fifth Revised Sheet No. 54
Second Revised Sheet Nos. 94 through 109

Midwestern hereby supplements its December 31 motion to reference the tariff sheets and to thereby move the tariff sheets into effect.

Midwestern states that it is also filing Third Revised Tariff Sheet Nos. 69 through 74. Midwestern also states that it has amended Third Revised Sheet No. 70 to remove the paragraph pertaining to the flowthrough of upstream supplier GIC charges.

Midwestern states that copies of the filing have been served upon each person designated on the official service list.

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 25, 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. 92-4165 Filed 2-21-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP92-1-000 and CP92-71-000]

Northern Natural Gas Company; Informal Settlement Conference

February 18, 1992.

Take notice that an informal settlement conference will be convened in the above-captioned proceeding at 9 a.m. on February 26, 1992, at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information please contact Michael D. Cotleur, (202) 208-1076, or John J. Keating, (202) 208-0762.

Lois D. Cashell,
Secretary.

[FR Doc. 92-4167 Filed 2-21-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP92-328-000]

Panhandle Eastern Pipe Line Co.; Request for Clarification or Abbreviated Application for Abandonment

February 18, 1992.

Take notice that on February 4, 1992, Panhandle Eastern Pipe Line Company (Panhandle) P.O. Box 1642, Houston, Texas, 77251-1642, filed in Docket No. CP92-328-000 a request for clarification of the certificate authority issued to Panhandle in Northwest Alaskan Pipeline Co., et al., 11 FERC ¶ 61,302 (1980), or in the alternative, an application pursuant to section 7(b) of the Natural Gas Act (NGA), as amended, and §§ 157.7 and 157.18 of the Federal Energy Regulatory Commission's (Commission) Regulations (18 CFR 157.7, 157.18 (1991)), for an order permitting and approving abandonment of any service obligation found to exist under the certificate issued in that docket to Northern Natural Gas Company (Northern Natural), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Panhandle requests that the Commission clarify that it has no service obligation under the certificate issued in Docket No. CP79-403-000 for which abandonment authorized is

required to effectuate the termination of its June 26, 1979 "Transportation Agreement" with Northern Natural. In the alternative, Panhandle requests that the Commission permit and approve its abbreviated application for abandonment of any service obligation found to exist to Northern Natural. Panhandle states that no customer of Panhandle would have its service terminated or adversely affected as a result of Panhandle's abandonment of such a service obligation.

Any request person desiring to be heard or to protest to said filing should file a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 10, 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. 92-4164 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA92-2-18-002 and TF92-4-18-001]

**Texas Gas Transmission Corp.;
Proposed Changes in FERC Gas Tariff**

February 18, 1992.

Take notice that Texas Gas Transmission Corporation (Texas Gas), on February 10, 1992, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

TA92-2-18-001

Substitute Forty-ninth Revised Sheet No. 10
Substitute Forty-ninth Revised Sheet No. 10A
Substitute Thirtieth Revised Sheet No. 11
Substitute Twentieth Revised Sheet No. 11A
Substitute Twentieth Revised Sheet No. 11B

TF92-4-18-001

Substitute Fiftieth Revised Sheet No. 10
Substitute Fiftieth Revised Sheet No. 10A
Substitute Thirty-first Revised Sheet No. 11
Substitute Twenty-first Revised Sheet No. 11A
Substitute Twenty-first Revised Sheet No. 11B

TA92-2-18-001:

Texas Gas states that these tariff sheets are being filed to comply with the

Commission's "Order Accepting and Suspending Tariff Sheets Subject to Refund and Conditions" issued January 31, 1992, in Docket No. TA92-2-18-000, filed December 10, 1991.

The proposed tariff sheets reflect a commodity rate decrease of \$(.2972) per MMBtu from those rates reflected in the Annual PGA filing of December 10, 1991, and a commodity rate decrease of \$(.1684) per MMBtu from the rates reflected in the last scheduled Quarterly PGA in Docket No. TQ92-1-18. No changes are being proposed for the demand rates or SGN standby charges.

Texas Gas states that these tariff sheets are being filed to reflect the revised current adjustment and pagination due to the compliance filing in TA92-2-18-001. The effective rates reflected in the proposed sheets are the same as those accepted by Commission Letter Order dated January 31, 1992, in Texas Gas' interim PGA filing of January 28, 1992 (Docket No. TF92-4-18-000).

Texas Gas states that copies of the filing were served upon Texas Gas' jurisdictional sales customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before February 25, 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. 92-4162 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT92-14-000]

**Trunkline Gas Co.; Proposed Changes
in FERC Gas Tariff**

February 18, 1992.

Take notice that Trunkline Gas Company (Trunkline) on January 28, 1992, tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1:

Twenty-Second Revised Sheet No. 35

Trunkline proposes that this sheet become effective September 1, 1991.

Trunkline states that this proposed tariff sheet is being filed pursuant to

section 154 of the Commission's Regulations and in compliance with § 284.10(d)(1) of the Commission's Regulations which granted permission and approval of the partial abandonment of natural gas sales service to Northern Indiana Public Service Company (NIPSCO).

This revised tariff sheet reflects changes pursuant to a new Service Agreement dated September 1, 1991 with NIPSCO, a jurisdictional sales customer served by Trunkline pursuant to Rate Schedule P-2 of its FERC Gas Tariff, Original Volume No. 1. This new Service Agreement reflects NIPSCO's election pursuant to § 284.10(c) of the Commission's Regulations to reduce its sales contract demand volumes.

Trunkline states that a copy of this letter and enclosures were served on all affected sales customers subject to the tariff sheet and applicable state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 25 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. 92-4157 Filed 2-21-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-114-000]

**Williams Natural Gas Co.; Proposed
Changes in FERC Gas Tariff**

February 18, 1992.

Take notice that Williams Natural Gas Company (WNG) on February 13, 1992 tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Third Revised Sheet Nos. 119, 120, and 246
First Revised Sheet No. 247

The proposed effective date of these tariff sheets is March 15, 1992.

WNG states that Third Revised Sheet Nos. 119 and 120 are being filed to clarify that both the Reservation Charge

and the Overrun Charge under Rate Schedule FTS are applicable within each zone. This is to prevent a shipper designating its delivery points for purposes of the Reservation Charge to be in Zone 1, but requesting that most deliveries under the contract be made in Zone 2 on an authorized overrun basis.

WNG states that Third Revised Sheet No. 246 is being filed to clarify that authorized overrun service under both Rate Schedules FTS and ITS will be treated equally, especially for curtailment purposes, with service under Rate Schedule ITS in all respects. First Revised Sheet No. 247 is included for pagination purposes only.

WNG states that copies of its filing were served on all jurisdictional purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 91-4159 Filed 2-21-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 92-06-NG]

Sergeant Oil & Gas Co., Inc., Application for Blanket Authorization To Export Natural Gas

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on January 27, 1992, of an application filed by Sergeant Oil & Gas Co., Inc. (SOG), requesting blanket authorization to export to Mexico up to 40,000 Mcf per day of natural gas over a two-year term beginning on the date of first delivery. Export sales of natural gas would not

exceed 30 Bcf during the two-year period. The proposed exports would take place at any point on the international border where existing pipeline facilities are located.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m. Eastern time, March 25, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Peter Lagiovane, Office of Fuels Programs, Forrestal Building, room 3F-056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8116.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: SOG is a Texas corporation with its principal place of business in Houston, Texas. It is a marketer of natural gas and liquid petroleum products operating primarily in the Gulf Coast area of the United States. SOG states that the gas would be exported, either for SOG's own account or on behalf of others, to Pemex for local distribution by Pemex to its customers, or to customers, including end-users and electric utilities, under direct sales. The specific details of each export transaction would be filed by SOG in conformity with DOE's quarterly reporting requirement. SOG anticipates all sales would result from arms-length negotiations and the prices would be determined by market conditions.

This export application will be reviewed under section 3 of the NGA and the authority contained in DOE Delegation Order Nos. 0204-111 and 0204-127. In deciding whether the proposed export of natural gas is in the public interest, domestic need for the gas will be considered, and any other issue determined to be appropriate, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially

those that may oppose this application, should comment on these matters as they relate to the requested export authority.

SOG states that due to the current gas supply surplus in the U.S., domestic producers and the states where the domestic gas is produced would benefit from the sales resulting from this export authorization. Further, SOG contends that the proposed exports would lower the overall U.S. trade deficit and enhance the integration of U.S.-Mexico gas markets. SOG asserts there is no current regional or national need for the domestic gas that would be exported under the proposed arrangement, and, if the availability of gas in the U.S. were to become a problem, the exported gas could be reallocated within a reasonable time to domestic needs because of the short-term nature of the authorization. Parties opposing the arrangement bear the burden of overcoming these assertions.

All parties should be aware that if DOE approves this requested blanket export authorization, it may designate a total authorized volume of 30 Bcf for the two-year term in order to maximize the applicant's flexibility of operation.

NEPA Compliance. The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures. In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision of the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of SOG's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-4175 Filed 2-21-92; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's

implementing regulations at 46 CFR part 540, as amended: Starlite Cruises, Inc., 1007 North American Way, Miami, Florida 33132.

Vessel: RAINBOW.

Dated: February 18, 1992.

Joseph C. Polking,
Secretary.

[FR Doc. 92-4153 Filed 2-21-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of December 17, 1991

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on December 17, 1991.¹ The Directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting continues to portray a sluggish economy and a depressed state of business and consumer confidence. Total nonfarm payroll employment fell sharply in November; however, the average workweek in the private nonfarm sector edged up and the civilian unemployment rate remained at 6.8 percent. Industrial production fell in November, partly reflecting a sizable drop in motor vehicle assemblies. Consumer spending has been soft on balance in recent months. Real outlays for business equipment appear to be rising slowly, and nonresidential construction has continued to decline. Housing starts were appreciably higher on average in October and November than in the third quarter. The nominal U.S. merchandise trade deficit widened slightly further in September; the deficit in the third quarter was substantially larger than in the second quarter. Wage and price increases have continued to trend downward.

Interest rates have declined appreciably since the Committee meeting on November 5. The Board of Governors approved a reduction in the discount rate from 5 to 4-1/2 percent on November 6. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies declined further over the intermeeting period; the dollar depreciated primarily against the mark and other European currencies.

Expansion in M2 and M3 edged up in November from a slow pace in October; the slightly faster growth reflected a strengthening in the most liquid components of the aggregates. For the year through November, expansion of both M2 and M3 is estimated to have been at the lower ends of the Committee's ranges.

¹Copies of the Record of policy actions of the Committee for the meeting of December 17, 1991, are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. In furtherance of these objectives, the Committee at its meeting in July reaffirmed the ranges it had established in February for growth of M2 and M3 of 2-1/2 to 6-1/2 percent and 1 to 5 percent, respectively, measured from the fourth quarter of 1990 to the fourth quarter of 1991. The monitoring range for growth of total domestic nonfinancial debt also was maintained at 4-1/2 to 8-1/2 percent for the year. For 1992, on a tentative basis, the Committee agreed in July to use the same ranges as in 1991 for growth in each of the monetary aggregates and debt, measured from the fourth quarter of 1991 to the fourth quarter of 1992. With regard to M3, the Committee anticipated that the ongoing restructuring of thrift depository institutions would continue to depress the growth of this aggregate relative to spending and total credit. The behavior of the monetary aggregates will continue to be evaluated in the light of progress toward price level stability, movements in their velocities, and developments in the economy and financial markets.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. In the context of the Committee's long-run objectives for price stability and sustainable economic growth, and giving careful consideration to economic, financial, and monetary developments, slightly greater reserve restraint might or somewhat lesser reserve restraint would be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with growth of M2 and M3 over the period from November through March at annual rates of about 3 and 1-1/2 percent, respectively.

By order of the Federal Open Market Committee, February 14, 1992.

Normand Bernard,

Deputy Secretary, Federal Open Market Committee.

[FR Doc. 92-4128 Filed 2-21-92; 8:45 am]

BILLING CODE 6210-01-F

FirstBancorp, inc., et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise

noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 20, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *FirstBancorp, Inc.*, Marathon, Florida; to engage *de novo* in extending first mortgage loans to officers and employees of its subsidiary bank, First National Bank of the Florida Keys, Marathon, Florida, pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted throughout Monroe County and Dade County, Florida.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *Landmark Bancorp*, La Habra, California; to engage *de novo* through a wholly owned subsidiary, in the making and servicing of loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 18, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4129 Filed 2-21-92; 8:45 am]

BILLING CODE 6210-01-F

Montfort Bancorporation, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 20, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Montfort Bancorporation, Inc.*, Platteville, Wisconsin, and its wholly owned subsidiary, *Clare Bancorporation, Inc.*, Platteville, Wisconsin, to acquire First Federal Savings and Loan Association of Platteville, Platteville, Wisconsin, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 18, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4130 Filed 2-21-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. C-3368]

Scali, McCabe, Sloves, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, the New York advertising agency of Volvo North America Corporation to pay \$150,000 to the U.S. Treasury as disgorgement, and prohibits respondent from misrepresenting the strength, structural integrity, or crashworthiness of any automobile or auto part, or the safety of a vehicle occupant in a collision.

DATES: Complaint and Order issued January 28, 1992.¹

FOR FURTHER INFORMATION CONTACT: Joel Winston or Lisa Hellerman, FTC/S-4002, Washington, DC 20580. (202) 326-3153 or 326-3139.

SUPPLEMENTARY INFORMATION: On Wednesday, September 4, 1991, there was published in the *Federal Register*, 56 FR 43780, a proposed consent agreement with analysis in the Matter of Scali, McCabe, Sloves, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 92-4147 Filed 2-21-92; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3367]

Volvo North America Corporation, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, the automobile corporation to pay \$150,000 to the U.S. Treasury as disgorgement, and prohibits respondents from misrepresenting the strength, structural integrity, or crashworthiness of any automobile or auto part, or the safety of a vehicle occupant in a collision.

DATES: Complaint and Order issued January 28, 1992.¹

FOR FURTHER INFORMATION CONTACT: Lisa Helleman, FTC/S-4002, Washington, DC 20580. (202) 326-3139.

SUPPLEMENTARY INFORMATION: On Wednesday, September 4, 1991, there was published in the Federal Register, 56 FR 43780, a proposed consent agreement with analysis in the Matter of Volvo North America Corporation, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 92-4148 Filed 2-21-92; 8:45 am]

BILLING CODE 6750-01-M

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) announces the following meeting.

Name: Work Schedule Factors Related to Upper Extremity Fatigue.

Time and Date: 12:30-4:30 p.m., March 25, 1992.

Place: Robert A. Taft Laboratories, Auditorium, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Status: Open to the public, limited only by the space available.

Purpose: To conduct an open meeting for the review of a research protocol to study the fatiguing effects of 8- and 12-hour work shifts on worker capacity to perform manual work involving the upper extremities.

Contact Person for Additional Information: Roger R. Rosa, Ph.D., NIOSH, CDC, 4676 Columbia Parkway, Mailstop C-24, Cincinnati, Ohio 45226, telephone 513/533-8291 or FTS 684-8291.

Dated: February 18, 1992.

Robert L. Foster,

Assistant Director for Special Projects, Office of Program Support, Centers for Disease Control.

[FR Doc. 92-4120 Filed 2-21-92; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 92M-0054]

Teletronics Pacing Systems, Inc.; Premarket Approval of META™ DDDR Pacing System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Teletronics Pacing Systems, Inc., Englewood, CO, for premarket approval, under section 515 of the Federal Food, Drug, and Cosmetic Act (the act), of the META™ DDDR Pacing System, including Model 1250H Pulse Generator, Models 5600D, 5603, and 9600 Programmers with version V4.26, V5.43UE, and V3.66UE software, Model 5702 Printer, Model 5302 External Programming Coil, Model 5500 Interface Module, and Model 030-570 IPG Test Cable Adaptor. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for

Devices and Radiological Health (CDRH) notified the applicant, by letter of January 30, 1992, of the approval of the application.

DATES: Petitions for administrative review by March 25, 1992.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mitchell J. Shein, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1018.

SUPPLEMENTARY INFORMATION: On November 29, 1990, Teletronics Pacing Systems, Inc., 7400 South Tucson Way, Englewood, CO 80112, submitted to CDRH an application for premarket approval of the META™ DDDR Pacing System, including Model 1250H Pulse Generator, Models 5600D, 5603, and 9600 Programmers with version V4.26, V5.43UE, and V3.66UE software, Model 5702 Printer, Model 5302 External Programming Coil, Model 5500 Interface Module, and Model 030-570 IPG Test Cable Adaptor. The dual chamber pacing modes of the META™ DDDR Model 1250H Pulse Generator (hereinafter referred to as the META™ DDDR) is indicated where maintenance of atrio-ventricular synchrony is required. This requirement is associated with the generally accepted indications for permanent cardiac pacing which include, but are not limited to: (1) Sick sinus node syndrome; (2) symptomatic bradycardia; (3) symptomatic A-V block; (4) recurrent Stokes-Adams syndrome; (5) carotid sinus syncope; and (6) suppression of tachycardia. The rate responsive pacing modes of the META™ DDDR are indicated for those patients who can benefit from an increase in pacing rate, atrial and/or ventricular, in response to a physiologic need for increased cardiac output. The dual chamber rate responsive pacing modes are of specific benefit to patients with chronotropic incompetence. Chronotropic incompetence is the inability to achieve an intrinsic maximal heart rate greater than 60 percent of the patient's age predicted maximal heart rate (i.e., 220-age). During the clinical study of the META™ DDDR a subset of chronotropically incompetent patients were evaluated and demonstrated that the minute ventilation rate responsive modes eliminate chronotropic

incompetence in a physiologic manner as measured by minute ventilation and oxygen uptake, in that the DDDR mode provides statistically significant improvements in oxygen uptake, work rate, and exercise time at the anaerobic threshold as compared to the DDDR mode. Patients with intact sinus response may benefit from the ability of the device to overcome limitations of dual chamber upper rate behavior and/or to prevent ventricular pacing in response to nonphysiologic atrial tachycardias.

On June 3, 1991, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On January 30, 1992, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details. Petitioners may, at any time on or

before March 25, 1992, file with the Dockets Management Branch (address above) two copies each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: February 14, 1992.

Elizabeth D. Jacobson,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 92-4118 Filed 2-21-92; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Centers for Disease Control Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 57 FR 412, dated January 6, 1992) is amended to reflect the establishment of the Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion.

Section HC-B, *Organization and Functions*, is hereby amended as follows:

After the functional statement for the *Office on Smoking and Health (HCL7)*, insert the following:

Division of Cancer Prevention and Control (HCL8). (1) Plans, directs, and supports prevention, early detection, and control programs for cancer, based upon policy, research, and public health practice; (2) directs, monitors, and reports on activities associated with the implementation of Public Law 101-354: "The Breast and Cervical Cancer Mortality Prevention Act of 1990"; (3) plans, directs, and supports activities for monitoring the distribution and the determinants of cancer morbidity, survival, and mortality; (4) plans and conducts epidemiologic studies and

evaluations to identify the feasibility and effectiveness of cancer prevention and control strategies; (5) develops public health strategies and guidelines to form the basis for community interventions in cancer prevention and control; (6) provides technical consultation, assistance, and training to state and local public health agencies in all components of early detection and control programs for cancer; (7) provides technical assistance and consultation to health care provider organizations related to the improved education, training, and skills in the prevention, detection and control of selected cancers; (8) identifies problems, needs, and opportunities related to modifiable behavioral and other risk factors, and recommends priorities for health education, health promotion, and cancer risk reduction activities; (9) plans, develops and maintains surveillance systems in collaboration with states, the Office of Surveillance and Analysis, and other Center components, and (10) coordinates activities as appropriate with other CDC organizations, PHS agencies, and related voluntary, international, and professional health organizations.

Office of the Director (HCL81). (1) Establishes and interprets policies and determines program priorities; (2) provides leadership and guidance in program planning and development, program management, program evaluation, budget development, and Division operations; (3) monitors progress toward achieving Division objectives and assessing the impact of programs; (4) insures that Division activities are coordinated with other components of CDC both within and outside the Center, with Federal, state and local agencies; and related voluntary and professional organizations; (5) coordinates Division responses to requests for technical assistance or information on primary and secondary cancer prevention practices, behaviors and policies, including Division activities and programs; (6) provides administrative and logistic support for Division field staff; and (7) develops and produces communications tools and public affairs strategies to meet the needs of Division programs and mission.

Effective Date: February 12, 1992.

William L. Roper,

Director, Centers for Disease Control.

[FR Doc. 92-4119 Filed 2-21-92; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-060-02-4352-08]

Emergency Closure and Restriction on Public Land in the Wedge Portion of the Middle San Rafael River Area of Critical Environmental Concern (ACEC)

February 12, 1992.

AGENCY: Moab District, San Rafael Resource Area, Utah, Bureau of Land Management, Interior.

ACTION: Notice of Closure and Restriction on Public Land for the Protection of Endangered Plant and Wildlife Resources.

SUMMARY: Pursuant to the regulations contained in 43 CFR 8364.1 the Bureau of Land Management is limiting motorized vehicle and mountain bike travel to designated roads and trails, and camping to designated campsites. The restrictions will be in effect on approximately 10,200 acres of public land on and around the Wedge Overlook. These limitations are located within and surrounding the Middle San Rafael Canyon ACEC, and includes all lands and roads not marked with an open sign. These restrictions are in keeping with the designation for this area as described in the San Rafael Resource Management Plan of 1991. A map of the area described above may be viewed in the Resource Area office. The limitation is necessary to prevent further deterioration of the area's endangered plant and wildlife resources. Personnel that are exempt from the area limitation include any Federal, State, or local officer, or member of any organized rescue or fire-fighting force in the performance of an official duty, or any person authorized by the Bureau.

DATES: This limitation is effective March 28, 1992, and shall remain in effect until rescinded by the authorized officer.

PENALTIES: Violators are subject to fines not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT: Penelope Smalley, San Rafael Resource Area Manager, 900 North 700 East, Price, UT 84501 or phone (801) 637-4584.

Roger Zortman,
District Manager.

[FR Doc. 92-4103 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-DQ-M

[ID-050-4351-08]

Meeting of the Shoshone District Advisory Council and the District Grazing Board

AGENCY: Bureau of Land Management (BLM); Interior.

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the schedule and proposed topics for a meeting of the Shoshone (Idaho) District Advisory Council and District Grazing Board.

DATES: The District Advisory Council will meet Wednesday, March 25, 1992 and the District Grazing Board will meet Thursday, March 26, 1992.

ADDRESSES: Shoshone District BLM Office, 400 West F Street, Shoshone, Idaho.

FOR FURTHER INFORMATION CONTACT: District Manager Mary Gaylord, P.O. Box 2-B, 400 West F Street, Shoshone, ID 83352. Telephone (208) 886-2206 or FTS 554-6100.

SUPPLEMENTARY INFORMATION: The proposed topics for both of the meetings include the following items:

1. Adjourn December meeting which was continued until a later date (Advisory Council).
2. Introduce new members/elect new chairman (Advisory Council).
3. Presentation on the Blaine County Recreation Plan (Advisory Council).
4. Review alternatives and proposed decisions for the Bennett Hills Resource Management Plan (both Advisory Council and Advisory Board).
5. Other topics as needed.

The Shoshone District Advisory Council is established under section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579; U.S.C. 1701 et seq.) as amended. Operation and administration of the Council will be in accordance with the Federal Advisory Committee Act of 1972 (Pub. L. 92-463; 5 U.S.C. Appendix 1) and Department of Interior regulations, including 43 CFR part 1784. Operation and administration of the Grazing Advisory Board will be in accordance with the Federal Advisory Council Committee Act of 1972 (Pub. L. 92-463; U.S.C., Appendix 1) and Department of Interior regulations, including 43 CFR part 1984.

The meetings are open to the public. Anyone may present oral statements or may file a written statement with the District Manager regarding matters on

the agenda. Oral statements will be limited to ten minutes.

Anyone wishing to make an oral statement should notify the District Manager by March 23, 1992. Records of the meetings will be available in the Shoshone District Office for public inspection or copying within 30 days after the meetings.

Dated: February 12, 1992.

Janis L. VanWybe,
Associate District Manager.
[FR Doc. 92-4104 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-06-M

Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting, Ukiah, California, District Advisory Council.

SUMMARY: Pursuant to Public Law 94-579 and 43 CFR part 1780, the Ukiah District Advisory Council will meet in Clearlake, California, March 25-26, 1992. Agenda items will include a tour and briefing on a draft management plan for public lands in the Knoxville Recreation Area, a briefing on a partial record of decision for the Arcata Resource Management Plan, a briefing on the final visitor services plan and visitor survey for the King Range National Conservation Area, as well as miscellaneous items of interest. A complete agenda is available from the Ukiah BLM Office.

DATES: March 25, 10 a.m. to 5 p.m., and March 26, 8 a.m. to 3 p.m.

ADDRESSES: March 25, Field Tour, Knoxville Recreation Area, March 26, Best Western El Grande Inn, 15135 Lakeshore Drive, Clearlake, California.

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462-3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory Council are open to the public. Individuals may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 1 p.m., Thursday, March 26. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: February 13, 1992.

Lynda Roush,

Acting District Manager.

[FR Doc. 92-4135 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-40-M

[CO-920-92-4111-15; COC45229]

Colorado; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease COC45229, Rio Blanco County, Colorado, was timely filed and was accompanied by all required rentals and royalties accruing from September 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 16-2/3 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 September 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 11, 1992.

Janet M. Budzilek,

Chief, Fluid Minerals Adjudication Section.

[FR Doc. 92-4100 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-JB-M

[CA-050-09-4212-14; CACA 26636, CACA 7337 WR]

Partial Termination of Small Tract Classification No. 506, Opening of Lands; Trinity County; CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice partially terminates Small Tract Classification No. 506 dated January 4, 1957, which classified public land for disposition pursuant to the Small Tract Act of 1938. A portion of the land classified for small tract under classification No. 506 has been found suitable for direct sale under section 203 of the Federal Land Policy

and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) as published in the Federal Register as a notice of realty action on August 15, 1991 (Vol. 56, No. 158).

EFFECTIVE DATE: March 25, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia Cook, Realty Specialist, Redding Resource Area, 355 Hemsted Drive, Redding, California 96002.

1. The Bureau of Land Management Order of Classification Small Tract No. 506 is hereby terminated insofar as it affects the following described land:

Mount Diablo Meridian

T. 33 N., R. 9 W.,

Sec. 5, lots 52, 53, 56 through 61, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 8, lot 1.

The area described contains approximately 521.53 acres in Trinity County.

2. At 10 a.m. on March 25, 1992 the land described in paragraph 1 will be open to the operation of the public land laws generally, and to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and classifications, and the requirements of applicable law.

Kathleen A. Simmons,

Acting District Manager.

[FR Doc. 92-4136 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-40-M

[OR-943-4214-10; GP2-130; OR-45401]

Opening of Public Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice

SUMMARY: This action will terminate the temporary segregative effect as to 523.18 acres of public lands included in an application for withdrawal involving the New River area of Critical Environmental Concern.

EFFECTIVE DATE: March 29, 1992.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-280-7171.

SUPPLEMENTARY INFORMATION: Pursuant to the regulations contained in 43 CFR 2310.2-1(d), at 8:30 a.m., on March 29, 1992, the following described lands will be relieved of the temporary segregative effect of withdrawal application OR-45401. The withdrawal application will continue to be processed unless it is cancelled or denied:

Willamette Meridian

T. 30 S., R. 15 W.,

Sec. 3, lots 3 and 4;

Sec. 10, lots 1, 2, 3, and 4, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, lots 1, 2, 3, and 4, and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, lot 2;
Sec. 22, lots 1 and 2, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, lot 1;
Sec. 33, lot 2.

The areas described aggregate 523.18 acres in Coos and Curry Counties.

Dated: February 10, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92-4098 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-33-M

[AZ-020-02-4212-13; AZA-26445]

Notice of Realty Action, Exchange of Public Lands; Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action exchange.

SUMMARY: The Bureau of Land Management proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership and the acquisition of unique natural resource lands. All or part of the following described federal lands are being considered for disposal via exchange, subject to valid existing rights, pursuant to Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The final determination on disposal will be made upon completion of the environmental assessment.

Gila and Salt River Base and Meridian, Mohave County, Arizona

Township 22 N., Range 18 W.

Sec. 5, Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, Lots 1-7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 8, All;
Sec. 9, All;
Sec. 11, All;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 25, Lots 1-7, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 32, All;
Sec. 33, All;

Sec. 34, All;
Sec. 35, All.

Comprising 17401.15 acres, more or less.

Township 21 N., Range 19 W.

Sec. 4, Lots 1-4, S½N½, S½;
Sec. 5, Lots 1-4, S½N½, S½;
Sec. 8, All;
Sec. 9, All;
Sec. 16, All;
Sec. 17, All;
Sec. 20, All.

Comprising 4481.76 acres, more or less.

Township 17 N., Range 21 W.

Sec. 4, Lots 1-4, S½N½, S½;
Sec. 5, Lots 1-4, S½NE¼, SE¼NW¼,
E½SW¼, SE¼;
Sec. 9, All.

Comprising 1796.20 acres, more or less.

Township 18 N., Range 21 W.

Sec. 4, Lots 1-4, S½N½, S½;
Sec. 6, S½N½SW¼SE¼, S½SW¼SE¼,
SE¼SE¼;
Sec. 7, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, E½;
Sec. 19, NE¼, E½SE¼;
Sec. 20, All;
Sec. 21, All;
Sec. 28, All;
Sec. 29, All;
Sec. 33, All.

Comprising 7348.96 acres, more or less.

Township 19 N., Range 21 W.

Sec. 4, Lots 1-4, S½N½, S½;
Sec. 5, Lots 1-4, S½N½, S½;
Sec. 6, Lots 1-7, S½NE¼, SE¼NW¼,
E½SW¼, SE¼;
Sec. 7, Lots 1-3, E½, E½NW¼, NE¼SW¼;
Sec. 8, All;
Sec. 9, All;
Sec. 20, SW¼SW¼NW¼NW¼,
W½NE¼SW¼NW¼, SE¼NE¼S
W¼NW¼, W¼SW¼NW¼,
SE¼SW¼NW¼, SW¼SE¼NW¼,
S¼SE¼SE¼NW¼, NE¼NE¼SW¼,
N½NW¼NE¼SW¼, NE¼SE¼N
E¼SW¼, NW¼NW¼SE¼,
NW¼SW¼NW¼SE¼;
Sec. 28, N½NE¼;
Sec. 29, S½N½, S½.

Comprising 4414.95 acres, more or less.

The total acreage of all the above described lands is 35,443.02 acres.

In accordance with the regulations of 43 CFR 2201.1, publication of this notice will segregate the affected public land from appropriation under the public land laws, except exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect shall also exclude appropriation of the subject public land under the mining laws, subject to valid existing rights.

The segregation of the above-described land shall terminate upon

issuance of a document conveying title to such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: February 14, 1992.

Henri R. Bisson,
District Manager.

[FR Doc. 92-4105 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-32-M

[AZ 020-02-4212-12 (AZA 26463)]

Realty Action: Exchange of Public Land, Yavapai County, AZ

BLM proposes to exchange public lands and minerals for patented lands in order to achieve more efficient management of the public land through consolidation of ownership.

All public lands and minerals in the following sections are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

T. 9 N., R. 2 E.

Secs. 15, 16, 21, 22.

Containing 2,500 acres, more or less.

Final determination on disposal will await completion of an environmental assessment.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this notice will segregate the affected public lands and minerals from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the

District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: February 14, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92-4106 Filed 2-21-92; 8:45 am]

BILLING CODE 4310-32-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-315]

Certain Plastic Encapsulated Integrated Circuits; Issuance of Limited Exclusion Order and Cease and Desist Orders

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has issued a limited exclusion order and cease and desist orders in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Andrea C. Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3105.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.58 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.58).

On July 9, 1990, Texas Instruments Incorporated (TI) filed a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging that respondents Analog Devices, Inc. (Analog), Integrated Device Technology, Inc. (IDT) LSI Logic Corporation (LSI), VLSI Technology, Inc. (VLSI), and Cypress Semiconductor Corporation (Cypress), had imported and sold within the United States certain plastic encapsulated integrated circuits manufactured by a process covered by certain claims of U.S. Letters Patent 4,043,027 (the '027 patent). The Commission instituted an investigation of the complaint and issued a notice of investigation that was published in the **Federal Register** on August 15, 1990 (55 FR 33388).

On October 15, 1991, the presiding administrative law judge (ALJ) issued a final initial determination (ID) finding a violation of section 337 on the ground that certain of respondents' imported plastic encapsulated integrated circuits

were manufactured by a process covered by claims 12 and 14 of the '027 patent. The ALJ found that the processes used for manufacturing these products was not covered by claims 1 and 17 of the '027 patent. In addition, he found that certain other plastic encapsulated integrated circuits imported by respondents (those encapsulated using a process called "same-side" gating) were not covered by claims 1, 12, 14, or 17 of the '027 patent.

On December 12, 1991, the Commission determined to review the issues of (1) claim construction and infringement of claim 17 of the '027 patent and (2) whether the claims in controversy of the '027 patent are invalid as obvious under 35 U.S.C. 103. The Commission determined not to review the remainder of the ID. The Commission solicited comments from the parties, interested government agencies, and other persons concerning the issues under review and the issues of remedy, the public interest, and bonding.

Complainant, all respondents, and the Commission investigative attorneys filed briefs addressing the issues under review and the issues of remedy, the public interest, and bonding. No comments were filed by interested government agencies or other persons.

After review, the Commission affirmed the ALJ's determination that all respondents had violated section 337 of in the importation of opposite-side gated plastic encapsulated integrated circuits manufactured by a process covered by claims 12 and 14 of the '027 patent. In addition, the Commission determined that respondents Analog and VLSI had violated section 337 in the importation of opposite-side gated plastic encapsulated integrated circuits manufactured by a process covered by claim 17 of the '027 patent.

Having determined that there is a violation of section 337, the Commission considered the questions of the appropriate remedy, whether the statutory public interest factors preclude the issuance of a remedy, and bonding during the Presidential review period. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting all respondents from importing plastic encapsulated integrated circuits manufactured abroad by a process covered by claims 12 and 14 of the '027 patent, and additionally prohibiting respondents Analog and VLSI from importing plastic encapsulated integrated circuits manufactured abroad by a process covered by claim 17 of the '027 patent. The Commission further determined to issue cease and desist

orders directed to each respondent. The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337(d) do not preclude the issuance of the aforementioned relief, and that the bond during the Presidential review period covering infringing products imported or sold by respondents Cypress, IDT, LSI, and VLSI shall be in the amount of 2.5 percent of the entered value of the imported articles concerned, not to exceed \$0.50 per plastic encapsulated integrated circuit. The Commission further determined that respondent Analog will not be required during the Presidential review period to post a bond for products imported or sold.

Copies of the Commission's orders and all other nonconfidential documents filed in connection with this investigation 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., Washington, DC 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: February 18, 1992.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 92-4123 Filed 2-21-92; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-366X]

Tylerdale Connecting Railroad Company—Abandonment Exemption—in Washington County, PA; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 0.54-mile line of railroad between mileposts BOA-0.83 and BOA-1.37, near Tylerdale, in Washington County, PA.

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 25, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 5, 1992.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 16, 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 M. Rosenberger, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false 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 February 28, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and

¹ 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.

² See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

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 14, 1992.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 92-4145 Filed 2-21-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) How often the form must be filled out or the information is collected;
- (4) Who will be asked or required to respond, as well as a brief abstract;
- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (6) An estimate of the total public burden (in hours) associated with the collection; and
- (7) An indication as to whether section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514-4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer

of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

(1) *Registration for Classification as Refugee.*

(2) I-590. Immigration and Naturalization Service.

(3) On occasion.

(4) Individuals or households. This form provides a uniform method for applicants to apply for refugee status and contains the information needed in order to adjudicate such application.

(5) 150,000 annual responses at .583 hours per response.

(6) 87,450 annual burden hours.

(7) Not applicable under 3504(h).

(1) *Drug Use Forecasting Program.*

(2) None. National Institute of Justice.

(3) Quarterly.

(4) State or local governments. The DUF program monitors the extent and types of drug use by arrestees in 24 cities. Data is collected every three months in each city from new samples of arrestees. Participation is voluntary and anonymous; data collection includes interviews and collection of urine specimens.

(5) 35,000 annual responses at .25 hours per response.

(6) 8,750 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: February 18, 1992.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92-4065 Filed 2-21-92; 8:45 am]

BILLING CODE 4410-10-M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984 Clean Heavy-Duty Diesel Engine Development; Correction

In notice document 91-29302 in the issue of Monday, December 9, 1991 (56 FR 64276), in the first column, in item 10

in *Engine Manufacturer Participants*, in the first line, "Goteborg" should read "Goteburg."

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-4030 Filed 2-21-92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 10th day of February 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Amerada Hess Corp. (Co.)	Houston, TX	2/10/92	1/20/92	26,827	Crude Oil, Natural Gas.
American Fabrics Co. (UTWU)	Bridgeport, CT	2/10/92	2/13/92	26,828	Raschel Lace, Lury Lace.
AMF-Reece, Inc. (Co.)	Gorham, ME	2/10/92	1/23/92	26,829	Industrial Sewing Machines.
Cold Spring Granite Co. (Wkrs.)	Cold Spring, MN	2/10/92	1/29/92	26,830	Granite.
Computalog Wireline Services, Inc. (Wkrs.)	Williston, ND	2/10/92	1/25/92	26,831	Oil Well Services.
County Forest Products (Wkrs)	Patten, ME	2/10/92	1/27/92	26,832	Lumber Products.
De Ja Vu Apparel (Wkrs)	Forest City, PA	2/10/92	1/30/92	26,833	Ladies' Dresses.
Dexter Shoe Co. (Wkrs)	Milo, ME	2/10/92	1/14/92	26,834	Boots and Shoes.
Drilling and Service, Inc. (Co.)	Casper, WY	2/10/92	1/28/92	26,835	Crude Oil.
Dunlop Slazenger Corp. (Co.)	Hartwell, SC	2/10/92	1/27/92	26,836	Tennis Balls.
Eby Co. (Wkrs)	Philadelphia, PA	2/10/92	1/26/92	26,837	Computer Components.
Ford Motor Co, Cleveland Sales (Wkrs)	Brecksville, OH	2/10/92	2/03/92	26,838	Ford Dealership.
Honeywell, Inc. (IUE)	Fort Washington, PA	2/10/92	1/24/92	26,839	Process Control Instruments.
Jerilyn, Inc. (Wkrs)	Jermyn, PA	2/10/92	2/04/92	26,840	Women's dresses and Sportswear.
Jodi Lynn Apparel Co., Inc. ILGWU	Nazareth, PA	2/10/92	1/28/92	26,841	Nightwear.
L and M Sportswear Co. ILGWU	Reseto, PA	2/10/92	1/31/92	26,842	Women's Blouses.
PPG Industries (Wkrs)	Cleveland, OH	2/10/92	1/29/92	26,843	Automobile Paint.
Somerset Technologies (Wkrs.)	Somerset, NJ	2/10/92	1/28/92	26,844	Blow Molding Machines and Extruders.
Torrington Co. (Co.)	Torrington, CT	2/10/92	1/16/92	26,845	Ball Bearing and Anti-friction Devices.
Valerie Fashions, Inc. ILGWU	Wind Gap, PA	2/10/92	1/30/92	26,846	Women's Blouses.
Van Port Industries, Inc. ILGWU	Vancouver, WA	2/10/92	1/29/92	26,847	Prefinish Paneling, Door Skins.
Walker Forge (Wkrs)	Racine, WI	2/10/92	2/28/92	26,848	Connecting Rods.

[FR Doc. 92-4141 Filed 2-21-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,277 Sidney, OH; TA-W-26,277A Cincinnati, OH; and Sales Offices in TA-W-26,277B Hartford, CT; TA-W-26,277C Cincinnati, OH; TA-W-26,277D Henderson, NV]

**The Monarch Machine Tool Co.,
Amended Certification Regarding
Eligibility To Apply for Worker
Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 4, 1991, applicable to all workers of The Monarch Machine Tool Company, Sidney, Ohio. The Notice was published in the Federal Register on December 27, 1991 (56 FR 67104). The certification was amended on January 30, 1992 to include the engineering facility in Cincinnati, Ohio. That notice was published in the Federal Register on February 6, 1992 (57 FR 4648).

The Department is amending the certification to include the above mentioned sales locations of Monarch Machine Tool Company. Monarch Machine Tool experienced substantial sales declines in 1991 for metalworking lathes.

The intent of the Department's certification is to include all workers of Monarch Machine Tool who were adversely affected by increased imports of metalworking lathes.

The amended notice applicable to TA-W-26,277 is hereby issued as follows:

All workers of The Monarch Machine Tool Company, Monarch Sidney Division, Sidney, Ohio; Cincinnati, Ohio and in the Monarch Sidney Division Sales Offices in Hartford, Connecticut; Cincinnati, Ohio and Henderson, Nevada who became totally or partially separated from employment on or after September 3, 1990 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 14th day of February 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

[FR Doc. 92-4140 Filed 2-21-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,427]

**Digital Equipment Corp. Colorado
Springs, CO; Affirmative Determination
Regarding Application for
Reconsideration**

On January 16, 1992 and on January 26, 1992, the petitioners requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination was issued on December 13, 1991 and published in the Federal Register on December 27, 1991 (56 FR 67104).

The petitioners claim, among other things, that some production was transferred overseas and that workers at several other disc companies have been certified eligible for trade adjustment assistance benefits.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 14th day of February 1992.

Stephen A. Wandner,
Deputy Director, Office of Legislation &
Actuarial Services, Unemployment Insurance
Service.

[FR Doc. 92-4143 Filed 2-21-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,760]

**Unisys Corp. Flemington, NJ;
Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 21, 1992, in response to a worker petition which was filed on January 21, 1992, on behalf of workers at Unisys Corporation, Flemington, New Jersey.

A negative determination applicable to the petitioning group of workers was issued on October 31, 1991 (TA-W-26,116). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated. Workers may refile for adjustment assistance eligibility at a later time as circumstances change.

Signed at Washington, DC, this 14th day of February, 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-4144 Filed 2-21-92; 8:45 am]

BILLING CODE 4510-30-M

**Job Training Partnership Act:
Announcement of Proposed
Noncompetitive Grant Award**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award a noncompetitive grant.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to award a noncompetitive grant to Council of Jewish Organizations of Boro Park of Brooklyn, New York, for the provision of specialized services under the authority of the Job Training Partnership Act (JTPA).

DATES: It is anticipated that this grant award will be executed by March 23, 1992, and will be funded for eighteen months. Submit comments by 4:45 p.m. (Eastern Time), on March 10, 1992.

ADDRESSES: Submit comments regarding this proposed assistance award to: U.S. Department of Labor, Employment and Training Administration, room C-4305, 2000 Constitution Avenue, NW., Washington, DC 20210, Attention: Willie Harris; Reference FR-DAA-001.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to award a noncompetitive grant to the Council of Jewish Organizations of Boro Park of Brooklyn, New York. The Council of Jewish Organizations of Boro Park will test the integration of occupationally related adult basic skills into employment and training programs in collaboration with the New York City Department of Employment, Performance Plus Learning Consultants, local employers and JTPA training providers. Funds for this activity are authorized by the Job Training Partnership Act, as amended, Title IV—Federally Administered Programs. The proposed funding is approximately \$350,000 for eighteen months.

Signed at Washington, DC on February 12, 1992.

Robert D. Parker,
ETA Grant Officer.

[FR Doc. 92-4139 Filed 2-21-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Studies, Evaluation, and Dissemination: Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Foundation announces the following meeting.

Name: Advisory Panel for Studies, Evaluation and Dissemination.

Date and Time: March 5th and 6th, 1992, 9 a.m. to 5 p.m.

Place: Hotel Washington, 15th & Pennsylvania Avenue NW., Washington, DC 20004.

Type of Meeting: Open.

Contact Person: Dr. Kenneth J. Travers, Office Head, Office of Studies, Evaluation and Dissemination, Directorate for Education and Human Resources, National Science Foundation, Washington, DC 20550, telephone (202) 357-7425.

Minutes: May be obtained from the contact person above.

Purpose of Meeting: United States participation in the Third International Mathematics and Science Study.

Agenda: Advise director of study on where the United States should participate in study. Discuss test items and changes in U.S. policy relating to study and participation. Measure science literacy.

Reason for Late Notice: Administrative oversight.

Dated: February 18, 1992.

M. Rebecca Winkler,
Committee Management Officer.

[FR Doc. 92-4168 Filed 2-21-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-458]

Gulf States Utilities Co.; Environmental Assessment and Finding of No Significant Impact

The Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 26.29(b) regarding the protection of personal information associated with fitness for duty programs to Gulf States Utilities Company (the licensee) for the River Bend Station, Unit 1 located in West Feliciana Parish, Louisiana.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirements of 10 CFR 26.29(b) regarding the protection of personal information associated with fitness for duty programs. By letter dated January 28, 1992, the licensee requested an exemption from 10 CFR

26.29(b) to allow the licensee to provide, in a confidential manner, information concerning a former employee's drug test results to the Louisiana Office of Employment Security.

The Need for the Proposed Action

Section 26.29(b) of title 10 of the Code of Federal Regulations restricts the disclosure of personal information associated with fitness for duty programs. The licensee has requested a one-time exemption in order to provide information to the Louisiana Office of Employment Security. The Louisiana Office of Employment Security has informed the licensee that the personal information associated with the fitness for duty program must be provided in order to contest an earlier finding.

Therefore, an exemption is needed to allow the licensee to effectively participate in the appeals process before the Louisiana Office of Employment Security.

Environmental Impacts of the Proposed Action

The proposed exemption affects only the restrictions associated with the release of personal information related to the licensee's fitness for duty program. Therefore, the Commission concludes that there are no measurable radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives will have either no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to prohibit the release of the personal information to the Louisiana Office of Employment Security. Such an action would not affect the protection of the environment and would result in preventing the licensee's effective participation in the appeals process.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for River Bend Station, Unit 1, dated January 1985.

Agencies and Persons Contacted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letter dated January 28, 1992. The letter 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 Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Rockville, Maryland, this 19th day of February 1992.

For the Nuclear Regulatory Commission.
Suzanne C. Black,

Director, Project Directorate IV-2, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-4170 Filed 2-21-92; 8:45 am]

BILLING CODE 7590-01-M

Aging Research Information Conference; Meeting

The study of nuclear power plant aging is an important part of the NRC's current research program for understanding aging degradation of structures, components, and systems in order to assure continued safe operation of nuclear power plants for 40 years or more. The nuclear community worldwide has entered a period when such information on age-related degradation in nuclear power plants is bound to play a vital role in decisions involving plant modifications, shutdown or continued safe and viable operation. The NRC Aging Research Information Conference will provide a forum for exchanging information on age-related degradation of components, systems, and structures.

The keynote address on the first day of the conference will be delivered by NRC Chairman Ivan Selin. During the conference, principal addresses will be made by NRC Commissioner Kenneth C. Rogers on March 25, 1992, and by NRC Commissioner James R. Curtiss on March 26, 1992. The conference will conclude with a panel discussion led by NRC Commissioner Forrest J. Remick and James H. Sniezek, NRC Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research.

Among others who have confirmed participation are: Eugene Fitzpatrick,

Vice President, American Electric Power Service Corporation; James J. Howard, Chairman of the Board and CEO, Northern States Power Company; Bryon Lee, Jr., President and CEO, NUMARC; Harold B. Ray, Senior Vice President, Southern California Edison Company; Hal B. Tucker, Senior Vice President, Duke Power Company; and Robert A. Watson, Senior Vice President, Carolina Power & Light Company. In addition, participation by NRC senior management and international nuclear experts is expected.

The conference is comprised of presentations of approximately 50 technical papers, as well as a panel discussion on a wide spectrum of plant aging issues. The program will include exhibits and software demonstrations. A copy of the proposed program for the conference will be available in the NRC Public Document Room after February 24, 1992.

DATES AND TIME: March 24-26, 1992, 8 a.m. to 5 p.m. daily; and March 27, 1992, 8 a.m. to 1 p.m.

ADDRESSES: Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD.

ADMISSION: Prior registration is required, and a registration fee of \$125.00 is being charged to defray the cost of the meeting. The registration fee is not refundable and not transferable. Only the first 500 registrants are assured participation. To register, contact Dr. Mano Subudhi, Brookhaven National Laboratory, Building 130, Upton, New York 11973. Phone No. 516-282-2429; FAX 516-282-3957.

FOR FURTHER INFORMATION CONTACT: Mr. Satish K. Aggarwal, General Chairman, Aging Research Information Conference, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Phone 301-492-3823. FAX 301-492-3696. (5 U.S.C. 552(A))

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

For the Nuclear Regulatory Commission.

Eric S. Beckjord,
Director, Office of Nuclear Regulatory Research.

[FR Doc. 92-4172 Filed 2-21-92; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Working Group on Safety Goal Implementation; Meeting

The ACRS Working Group on Safety Goal Implementation will hold a meeting on February 28, 1992, at the Stapleton Plaza Hotel, Denver, CO.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Friday, February 28, 1992—8:30 a.m. until the conclusion of business.*

The Working Group will meet to develop a proposed report on safety goal implementation for consideration by the ACRS full Committee at a future meeting.

During the meeting, the members of the Working Group may exchange views regarding this meeting.

During the meeting, the members of the Working Group may exchange views regarding this matter.

Further information regarding this meeting such as, whether the meeting has been cancelled or rescheduled, can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Dean Houston (telephone 301/492-9521) 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 18, 1992.

Sam Duraiswamy,
Chief, Nuclear Reactors Branch.

[FR Doc. 92-4169 Filed 2-21-92; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published January 23, 1992 (57 FR 2793). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the *Federal Register* approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS full Committee and ACNW meetings designated by an asterisk (*) will be closed in whole or in part to the public. ACRS full Committee and ACNW meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS

full Committee and ACNW meetings, and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 1992 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492-4600 (recording) or 301/492-7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Advanced Reactor Designs, February 26-27, 1992, Oak Ridge, TN. The Subcommittee will discuss the testing program for the MHTGR design and related issues.

Ad Hoc Working Group, February 28, 1992, Denver, CO. The Working Group will meet to develop a proposed alternative plan for implementation of the Safety Goals Policy for future consideration by the ACRS.

Thermal Hydraulic Phenomena, March 3, 1992, Bethesda, MD. The Subcommittee will continue its review of the integral systems testing requirements for the Westinghouse Electric Corporation's AP600 passive plant design.

Joint Computers in Nuclear Power Plant Operations, Instrumentation and Control Systems, and Human Factors, March 4, 1992, Bethesda, MD. The Subcommittees will discuss Control Room Designs and Testing, and Associated Human Factors Issues.

Planning and Procedures, March 4, 1992, Bethesda, MD, 3 p.m.-5:30 p.m. The Subcommittee will discuss proposed ACRS activities and related matters.

Thermal Hydraulic Phenomena, March 26, 1992, Bethesda, MD. The Subcommittee will review the GE generic program supporting power level increases for operating GE BWR nuclear power plants.

Plant Operations, April 1, 1992, Bethesda, MD. The Subcommittee will review the Draft NUREG-1449, addressing the staff's evaluation of risk from shutdown and low-power operations at U.S. commercial nuclear power plants.

Planning and Procedures, April 1, 1992, Bethesda, MD, 3 p.m.-5:30 p.m. The Subcommittee will discuss proposed ACRS activities and related matters.

Regional Programs, May 20, 1992, NRC Region V Office, Walnut Creek, CA. The Subcommittee will discuss the activities of the NRC Region V Office.

Joint Individual Plant Examinations/ Severe Accidents, Date to be determined (March/April), Bethesda, MD. The Subcommittees will discuss the status of the IPE program and the development of Severe Accident Management Guidelines.

Joint Computers in Nuclear Power Plant Operations/Instrumentation and Control Systems, Date to be determined (April), Bethesda, MD. The Subcommittees will discuss digital I&C system designs and practices at foreign plants and the international computer activities.

Advanced Pressurized Water Reactors, Date to be determined (April), Bethesda, MD. The Subcommittee will continue its review of the ABB CE System 80+ CESSAR Design Certification. Subject material being proposed for discussion includes Engineered Safety Feature Systems and USIs/GSIs.

Thermal Hydraulic Phenomena, Date to be determined (April/May), Bethesda, MD. The Subcommittee will continue its review of the NRC staff program to address the issue of interfacing systems LOCAs.

Joint Thermal Hydraulic Phenomena/ Core Performance, Date to be determined (June/July, tentative), Bethesda, MD. The Subcommittees will continue the review of the issues pertaining to BWR core power stability.

Decay Heat Removal Systems, Date to be determined (July, tentative), Bethesda, MD. The Subcommittee will review the proposed final resolution of Generic Safety Issue 23, "Reactor Coolant Pump Seal Failures."

Thermal Hydraulic Phenomena, Date to be determined, Bethesda, MD. The Subcommittee will review the status of the application of the Code Scaling, Applicability, and Uncertainty (CSAU) Evaluation Methodology to a small-break LOCA calculation for a B&W plant.

ACRS Full Committee Meetings

383rd ACRS Meeting, March 5-7, 1992, Bethesda, MD. Items are tentatively scheduled.

*A. *GE Advanced Boiling Water Reactor*—Review and report on the draft Safety Evaluation Reports for this standardized nuclear reactor design.

B. *Policy Issues for the Certification of Passive Plants*—Discuss and develop a plan for ACRS review of policy issues associated with the certification of passive nuclear power plant designs.

*C. *Integral Systems Testing for the Westinghouse AP600 Nuclear Power Plant*—Review and report on the proposed integral systems testing program requirements for the

Westinghouse AP600 passive nuclear plant.

D. *Prioritization of Generic Issues*—Review and comment on NRC staff-proposed priority rankings for various generic issues.

E. *Meeting with NRC Commissioners*—Meeting with NRC Commissioners to discuss items of mutual interest.

F. *Pilgrim Nuclear Power Station*—Briefing by and discussion with representatives of the NRC staff regarding the Emergency Response Plan demonstration for this facility.

*G. *NRC Safety Research Program*—Briefing by representatives of the NRC staff, as appropriate, and discussion regarding a proposed report to the Commission on the NRC safety research program.

H. *Implementation of NRC Quantitative Safety Goals*—Discuss proposed ACRS activities regarding development of a proposed plan for implementation for the NRC quantitative safety goals

I. *ACRS Subcommittee Activities*—Reports and discussion regarding the status of assigned subcommittee activities, including matters related to experimental testing facilities for advanced (non-water) reactors.

J. *Future ACRS Activities*—Discuss items proposed for consideration by the full Committee and related NRC activities, including updating of NRC regulations.

K. *Miscellaneous*—Discuss topics related to the conduct of ACRS activities and specific issues that were not completed during previous meetings as time and availability of information permit.

*L. *Appointment of New Members*—Discuss qualifications of candidates proposed for appointment to the Committee.

384th ACRS Meeting, April 2-4, 1992, Bethesda, MD—Agenda to be announced.

385th ACRS Meeting, May 7-9, 1992, Bethesda, MD—Agenda to be announced.

ACNW Full Committee and Working Group Meetings

41st ACNW Meeting, March 12-13, 1992, Bethesda, MD. Items are tentatively scheduled.

A. Continue deliberations to investigate the feasibility of applying a systems approach to the analysis of the overall high-level waste program.

B. Periodic meeting with NRC Commissioners to discuss items of mutual interest.

C. Presentation by representatives of the NRC's Office of Nuclear Regulatory Research on the High-Level Radioactive Waste Program Plan.

D. Consider lessons learned from the pathfinder decommissioning (tentative).

E. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

42nd ACNW Meeting, April 23-24, 1992, Bethesda, MD—Agenda to be announced.

ACNW Working Group on the Impact of Long-Range Climate Change in the Area of the Southern Basin and Range, May 27, 1992, Bethesda, MD. The Working Group will discuss the historical evidence and the potential for climate changes in the southern Basin and Range and the impact of climate changes on the performance of the proposed high-level waste repository at Yucca Mountain.

43rd ACNW Meeting, May 28-29, 1992, Bethesda, MD—Agenda to be announced.

ACNW Working Group on Methods for Assessing Natural Resources at a Proposed High-Level Waste Repository Site, July 29, 1992, Bethesda, MD. The Working Group will discuss methodologies for the assessment of the potential for natural resources at the proposed high-level waste repository site at Yucca Mountain. The relationship between such resources and the potential for human intrusion will be emphasized.

Dated: February 14, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92-4079 Filed 2-21-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-47]

U.S. Army Materials Technology Laboratory; Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of Orders authorizing the U.S. Army Materials Technology Laboratory (the licensee) to dismantle the pool-type nuclear reactor facility and dispose of the component parts, and termination of Facility License No. R-65, in accordance with the licensee's application dated October 8, 1991.

The first of these Orders would be issued following the Commission's review and approval of the licensee's detailed plan for decontamination of the facility and disposal of the radioactive components, or some alternate disposition plan for the facility. This Order would authorize implementation of the approved plan. Following completion of the authorized activities and verification by the Commission that acceptable radioactive contamination levels have been achieved, the Commission would issue a second Order terminating the facility license and any further NRC jurisdiction over the facility. Prior to issuance of each Order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By March 25, 1992, the licensee may file a request for a hearing with respect to issuance of the subject Orders 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 petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules and 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. 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 a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should

also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The 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 orders 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.

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 Service Branch; or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, 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 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 Seymour H. Weiss: Petitioner's name and telephone number; date petition was mailed; U.S. Army Materials Technology Laboratory; and publication date and page 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 Mr. James Savage, U.S. Army Materials Technology Laboratory, Attention: SLCMT-DL, 405 Arsenal Street, Watertown, Massachusetts 02172-0001, attorney for the licensee.

Not timely 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, 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 licensee's application dated October 8, 1991. This document is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 14th day of February 1992.

For the Nuclear Regulatory Commission.
Seymour H. Weiss,

*Director, Non-Power Reactors,
Decommissioning and Environmental Project
Directorate, Division of Advanced Reactors
and Special Projects, Office of Nuclear
Reactor Regulation.*

[FR Doc. 92-4171 Filed 2-21-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 446A]

**Texas Utilities Electric Co.;
Comanche Peak Electric Station, Unit
2; Receipt of Antitrust Information and
Time for Public Comment**

Texas Utilities Electric Company has filed antitrust information in conjunction with its application for an operating license for the Comanche Peak Stream Electric Station, Unit 2 located in Somervell County, Texas, approximately 40 miles southwest of Fort Worth, Texas. The data submitted contain antitrust information for review,

pursuant to NRC Regulatory Guide 9.3, necessary to determine whether there have been any significant changes since the antitrust operating license review of Comanche Peak Unit 1, which was completed in August 1989.

On completion of a staff antitrust review, the Director of the Office of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act, as amended. A copy of this finding will be published in the *Federal Register* and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, a request for reevaluation of the finding may be submitted within 30 days of the date of this *Federal Register* notice. The results of any reevaluation that are requested will also be published in the *Federal Register* and copies sent to the Washington, DC, and local public document rooms.

A copy of the general information portion of the application for an operating license and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and in the local public document room at the Somervell County Library, On the Square, P.O. Box 417, Glen Rose, Texas 76403.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have views considered with respect to significant changes related to antitrust matters which occurred since the previous antitrust review, should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Policy Development and Technical Support Branch, Office of Nuclear Reactor Regulation, within 30 days of the date of this notice.

Dated at Rockville, Maryland, this 14th day of February 1992.

For the Nuclear Regulatory Commission.
Anthony T. Gody,

*Chief, Policy Development and Technical
Support Branch, Program Management,
Policy Development and Analysis Staff,
Office of Nuclear Reactor Regulation.*

[FR Doc. 92-4173 Filed 2-21-92; 8:45 am]

BILLING CODE 7590-01-M

**OFFICE OF PERSONNEL
MANAGEMENT**

**Federal Prevailing Rate Advisory
Committee; Open Committee; Open
Committee Meeting**

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, March 12, 1992
Thursday, March 26, 1992
Thursday, April 16, 1992
Thursday, April 30, 1992

The meetings will start at 10:45 a.m. and will be held in room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establish prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are

available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, room 1340, 1900 E Street NW., Washington, DC 20415 (202) 606-1500.

Dated: February 14, 1992.

Anthony F. Ingrassia,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 92-4048 Filed 2-21-92; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

February 18, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

- First City Bancorp, Inc.
Common Stock, No Par Value (File No. 7-7982)
- General Motors Corporation
Series C Depository Shares (each representing 1/40 of a share of Series C Convertible Preference Stock) (File No. 7-7983)
- Hemlo Gold Mines, Inc.
Common Stock, Without Par Value (File No. 7-7984)
- Integon Corporation
Common Stock, \$.01 Par Value (File No. 7-7985)
- North Carolina Natural Gas Corporation
Common Stock, \$.01 Par Value (File No. 7-7986)
- Preferred Income Opportunity Fund, Inc.
Common Stock, \$.01 Par Value (File No. 7-7987)
- Arm Financial Corporation
Common Stock, \$.002 Par Value (File No. 7-7988)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 10, 1992, written data, views and arguments

concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-4151 Filed 2-21-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

February 18, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

- Carolina Financial Corporation
Common Stock, \$.01 Par Value (File No. 7-7989)
- Identix, Inc.
Common Stock, No Par Value (File No. 7-7990)
- US Alcohol Testing of America
Common Stock, \$.01 Par Value (File No. 7-7991)
- Integon Corporation
Common Stock, \$.01 Par Value (File No. 7-7992)
- Preferred Income Opportunity Fund, Inc.
Common Stock, \$.01 Par Value (File No. 7-7993)
- Olsten Corporation
Common Stock, \$.01 Par Value (File No. 7-7994)
- Aydin Corporation
Common Stock, \$1 Par Value (File No. 7-7995)
- First Republic Bancorp
Common Stock, \$.01 Par Value (File No. 7-7996)
- Bay State Gas Company
Common Stock, \$3.33 1/2 Par Value (File No. 7-7997)
- North Carolina Natural Gas Corp.
Common Stock, \$.01 Par Value (File No. 7-7998)

These securities are listed and registered on one or more other national

securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 10, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 92-4150 Filed 2-21-92; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster Loan Areas #7556, #7557, & #7558]

New York, et al.; Declaration of Disaster Loan Area

Westchester County and the contiguous counties of Bronx, Orange, Putnam, and Rockland in the State of New York; Bergen County in the State of New Jersey; and Fairfield County in the State of Connecticut constitute an Economic Injury Disaster Loan Area due to damages caused by a fire which occurred on December 30, 1991 at the intersection of North Avenue and Main Street in the City of New Rochelle. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on November 12, 1992 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 350 Rainbow Blvd., South, 3rd Fl., Niagara Falls, NY 14303, or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

Notice: Due to SBA's present shortage of operating funds for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of our ability to continue to accept or process disaster loan

applications or make disbursements on loans until additional funds are available.
(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: February 12, 1992.

Patricia Saiki,
Administrator.

[FR Doc. 92-4092 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

Shortage of Operating Funds for a Disaster in Idaho

As a result of the Secretary of Agriculture's disaster designation S-566 for counties in the State of Idaho and contiguous counties in the State of Oregon, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 12, 1992

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 92-4097 Filed 2-21-92; 8:45 am]

BILLING CODE 8625-01-M

Shortage of Operating Funds for a Disaster in Kentucky

As a result of the Secretary of Agriculture's disaster designation S-564 for counties in the State of Kentucky and contiguous counties in the State of Ohio, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 5, 1992.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 92-4096 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2551]

Declaration of Disaster Loan Area; NJ

Cape May County and the contiguous counties of Atlantic and Cumberland in the State New Jersey constitute a disaster area as a result of damages caused by a major coastal storm which occurred January 4-5, 1992. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 6, 1992 and for economic injury until the close of business on Nov. 6, 1992 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Fl., Niagara Falls, NY 14303, or other locally announced locations.

The interest rates are:

For physical damage:	Percent
Homeowners with credit available elsewhere.....	8.000
Homeowners without credit available elsewhere.....	4.000
Businesses with credit available elsewhere.....	6.500
Businesses and non-profit organizations without credit available elsewhere.....	4.000
Other (including non-profit organizations) with credit available elsewhere.....	8.500
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere.....	4.000

The number assigned to this disaster for physical damage is 255111 and for economic injury the number is 754600.

Notice: Due to SBA's present shortage of operating funds for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of our ability to continue to accept or process disaster loan applications or make disbursements on loans until additional funds are available.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 6, 1992.

Paul H. Cooksey,
Acting Administrator.

[FR Doc. 92-4089 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

Notice of Shortage of Operating Funds for a Disaster in Oklahoma

As a result of the Secretary of Agriculture's disaster designation S-565 for counties in the State of Oklahoma and contiguous counties in the State of

Colorado, Kansas, Missouri, and Texas, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 5, 1992.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 92-4093 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

Notice of Shortage of Operating Funds for a Disaster in Oregon

As a result of the Secretary of Agriculture's disaster designation S-567 for counties in the State of Oregon and contiguous counties in the State of Washington, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 12, 1992.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 92-4094 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

Shortage of Operating Funds for a Disaster in Washington

As a result of the Secretary of Agriculture's disaster designation S-568 for counties in the State of Washington and contiguous counties in the State of Oregon, and Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through

September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 12, 1992.

Alfred E. Judd,

Acting Assistant Administrator of Disaster Assistance.

[FR Doc. 92-4095 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

**Capital Corporation of America
(License No. 003/03-0040); License
Surrender**

Notice is hereby given that Capital Corporation of America ("CCA"), 225 So. 15th Street, Philadelphia, PA 19102, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended ("the Act"). CCA was licensed by the Small Business Administration on March 27, 1969.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on February 10, 1992, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 13, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-4091 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

[License No. 07/07-0006]

MorAmerica Capital Corporation

Notice is hereby given that MorAmerica Capital Corporation (MCC), 101 Second Street, SE., suite 800, Cedar Rapids, Iowa 52401 a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.903 of SBA Rules and Regulations, for approval of a conflict of interest transaction falling within the scope of the Act and Regulations. Subject to such approval, MCC proposes to invest \$350,000 in Clean Duds, Inc. (CDI), 3000 Justin Drive, Suite G, Des Moines, Iowa 50322.

The proposed financing is brought within the purview of § 107.903 of the Regulations because a majority of CDI's

outstanding common stock is owned by the Iowa Venture Capital Fund (Iowa Fund) which is advised by the same entity, Investamerica Venture Group, Inc. that serves as advisor to MCC. Additionally, certain officers and directors of MCC are also officers and directors of CDI. Based on these relationships the Iowa Fund and CDI are considered associates of MCC as defined by § 107.3 of the Regulations.

As a condition to the proposed financing, the Iowa Fund will convert its present CDI voting securities into non-voting securities, will place only one director on CDI's board of directors (which will have no fewer than five members), and will not exert economic control over CDI through its investments.

Notice is hereby given that any interested person may, but not later than fifteen (15) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 10, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-4090 Filed 2-21-92; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 14, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47984.

Date filed: February 12, 1992.

Due Date for Answers, Conforming Application, or Motion to Modify Scope: March 11, 1992.

Description: Application of Aero Postal De Mexico S.A. De C.V., pursuant to Section 402 of the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit for authority to provide charter foreign air transportation of property and mail between any point in Mexico and any point in the United States and between any point in the Untied States and any point in Mexico.

Phyllis T. Kaylor,

Chief, Documentary Services Division

[FR Doc. 92-4177 Filed 2-21-92; 8:45 am]

BILLING CODE 4910-02-M

Coast Guard

[CGD 92-012]

Commercial Fishing Industry Vessel Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) established by the Coast Guard as required by the Commercial Fishing Industry Vessel Safety Act of 1988. The Committee acts in an advisory capacity to the Secretary of Transportation and the Commandant of the Coast Guard on matters related to the safety of commercial fishing vessels.

The Applications will be considered for five (5) expiring terms. The Committee consists of 17 members as follows: Ten (10) members from the commercial fishing industry who reflect a regional and representational balance and have experience in the operation of vessels to which chapter 45 of title 46, United States Code applies, or as a crew member or processing line worker on an uninspected fish processing vessel; one (1) member representing naval architects or marine surveyors; one (1) member representing manufacturers of equipment for vessels to which chapter 45 applies; one (1) member representing education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety, or personnel qualifications; one (1) member representing underwriters that insure vessels to which chapter 45 applies; and three (3) members representing the general public, including whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing owners of vessels to which chapter 45 applies and persons representing the

marine insurance industry. Terms are expiring in the following categories: (a) Fishing Industry (three positions); (b) General Public (one position); and (c) Equipment Manufacturers (one position). The membership term is three years. A limited portion of the membership may serve consecutive terms. Those persons that have submitted applications in the past must reapply. No applications received prior to this solicitation will be considered.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The members of the Committee serve without compensation from the Federal Government, although travel reimbursement and per diem is provided. The Committee normally meets in Washington, DC, with subcommittee meetings for specific problems on an as-required basis.

DATES: Applications should be received no later than 31 May 1992. Application forms may be obtained by contacting the Executive Director at the address below.

ADDRESSES: Persons interested in applying should write to Commandant (G-MVI-4), room 1405, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: LCDR Ed McCauley, Executive Director, Commercial Fishing Industry Vessel Advisory Committee (CFIVAC), room 1405, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC, 20593-0001, (202) 267-2307.

Dated: February 13, 1992.

R. C. North,
Captain, U.S. Coast Guard, Acting Chief,
Office of Marine Safety, Security and
Environmental Protection.

[FR Doc. 92-4131 Filed 2-21-92; 8:45 am]

BILLING CODE 4910-14-M

[CGD-92-011]

Public Hearing; Florida Avenue Bridge Across the Inner Harbor Navigation Canal in New Orleans, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Eighth Coast Guard District, at New Orleans, Louisiana. The purpose for the hearing is to provide an opportunity to all interested persons to present data, views and comments orally or in writing concerning the

alteration of the highway/railroad bridge across the Inner Harbor Navigation Canal in New Orleans, Louisiana.

DATES: March 25, 1992, commencing at 7 p.m., until all speakers in attendance wishing to comment have been heard.

ADDRESSES: The hearing will be held at the Versailles Room, Hilton Hotel, Third Floor, Two Poydras Street at the Mississippi River, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: Mr. Perry Haynes, Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396, (504) 589-2965.

SUPPLEMENTARY INFORMATION: The information presented will be used by the Coast Guard to determine if the Florida Avenue Bridge constitutes an unreasonable obstruction to navigation, eligible for Federal participating funds for alterations under the Truman-Hobbs Act (act of June 21, 1940, as amended; Stat. 497; 33 U.S.C. 511 *et seq.*) and if so, what alterations are needed to render navigation through the bridge relatively free and unobstructed. All interested parties shall have full opportunity to be heard and to present evidence as to what alterations are needed; giving due consideration to the necessities of rail traffic and environmental concerns. Of particular concern are the effects that a low-level, vertical lift span bridge with vertical clearance of 156 feet above mean high tide in the raised position, and a horizontal clearance of 300 feet, would have on existing and prospective navigation using the Inner Harbor Navigation Canal.

Any person may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Commander, Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396, (504) 589-2965, any time prior to the hearing indicating the amount of time needed. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitation of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of, or in addition to, oral statements. Written statements and exhibits will be made part of the hearing record. Written statements and exhibits may be delivered at the hearing or mailed in advance to the Commander, Eighth Coast Guard District, at the above address. Transcripts of the hearing may

be ordered for purchase upon request to the court reporting service at the conclusion of the hearing.

(33 U.S.C. 513; 33 CFR 116.20)

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 92-4132 Filed 2-21-92; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Research, Engineering, and Development Advisory Committee

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (public law 92-362; 5 U.S.C. app. I), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Research, Engineering, and Development (R, E&D) Advisory Committee to be held Monday, March 16, at 10 a.m. The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, in the MacCracken Room on the tenth floor.

The agenda for this meeting will include a report on the findings of the Runway Incursion Working Group to the full committee. In addition, the committee will receive an overview of the recently established RTCA GNSS Task Force effort, and be provided an update on the status of the current R, E&D Plan and Budget activities.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements, obtain information, or plan to access the building to attend the meeting should contact Ms. Jan Peters, Special Assistant to the Executive Director of the R, E&D Advisory Committee, ASD-6, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3096.

Any member of the public may present a written statement to the Committee at any time.

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

Martin T. Pozesky,

Executive Director, Research, Engineering, and Development Advisory Committee.

[FR Doc. 92-4122 Filed 2-21-92; 8:45 am]

BILLING CODE 4910-14-M

Memphis International Airport, Memphis, TN; Intent To Rule on Application

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to rule on application to impose a passenger facility charge (PFC) at Memphis International Airport, Memphis, Tennessee.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application to impose a PFC at Memphis International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and 14 CFR part 158.

On February 11, 1992, the FAA determined that the application to impose a PFC submitted by Memphis-Shelby County Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 27, 1992.

DATES: Comments must be received on or before March 25, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office; 2851 Directors Cove, Suite #3; Memphis, Tennessee 38131-0301

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jerry L. McMichael, Executive Vice President, Finance and Administration of the Memphis-Shelby County Airport Authority at the following address: Memphis International Airport, P.O. Box 30168, Memphis, Tennessee 38130-0168.

Comments from air carriers and foreign air carriers may be in the same form as provided to the Memphis-Shelby County Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry O. Bowers, Planner, Memphis Airport District Office; 2851 Directors Cove, Suite #3; Memphis, Tennessee 38131-0301; Telephone: (901) 544-3495. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The following is a brief overview of the application.

Level of the proposed PFC: \$3.00
Proposed charge effective date:

November 1, 1992

Proposed charge expiration date: May 1, 1998

Total estimated PFC revenue:
\$62,700,000

Brief description of proposed project(s):

- (1) Land Acquisition, Roadways, and Utilities
- (2) Construct A Third Parallel Runway (18E-36E)
- (3) Reconstruct and Extend Runway 18L-36R
- (4) Construct Extension of Taxiway "A" and Other Projects

AVAILABILITY OF APPLICATION: Any person may inspect the application in person at the FAA office listed above. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Memphis-Shelby County Airport Authority.

Issued in Atlanta, Georgia on February 11, 1992.

Dell Jernigan,

Acting Manager, Airports Division Southern Region.

[FR Doc. 92-4141 Filed 2-21-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Davis and Weber Counties, Utah

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public of an expansion to the study area for an environmental impact statement (EIS) which is being prepared for a proposed highway project in Davis and Weber Counties, Utah.

FOR FURTHER INFORMATION CONTACT: Tom Allen, U.S. Department of Transportation, Federal Highway Administration, 2520 West 4700 South, suite 9A, Salt Lake City, Utah, 84118, Telephone: (801) 524-5143; R. James Naegle, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah, 84119, Telephone (801) 965-4160; or Lynn Zollinger, Utah Department of Transportation, District One Office, P.O. Box 12580, 169 Wall Avenue, Ogden, Utah, 84404, Telephone (801) 399-5921.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Utah Department of Transportation, will prepare an EIS on a proposal to improve the US-89 Highway from I-15 Interchange to the I-84 Interchange with an extension to Harrison Boulevard for a total distance of approximately 12.9 miles.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand, and increased safety measures. Alternatives under consideration include: (1) A "No Action" alternative, (2) A low-cost Transportation System Management alternative (intersection improvements, traffic signal installation and coordination, etc.), (3) Mass transit, (4) Signalized expressway, (5) Limited access expressway, (6) Freeway, (7) A combination of alternatives.

Incorporated into and studied with the build alternatives will be alignment and grade variations which would provide for mitigation in sensitive areas.

Letters describing the proposed action and soliciting comments 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. A series of informational public meetings will be held as necessary during the project development process. A formal scoping meeting and an official public hearing will also be held. Public notice of the time and place of the meetings and hearing will be given. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that full range of issues related to this 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 on Federal programs and activities apply to this program.)

Issued on: February 12, 1992.

Donald P. Steinke,

Division Administrator, Salt Lake City, Utah.

[FR Doc. 92-4138 Filed 2-21-92; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Ketchikan Gateway Borough, 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 Ketchikan Gateway Borough, Alaska.

FOR FURTHER INFORMATION CONTACT: Steve Moreno, Field Operations Engineer, Federal Highway Administration, Alaska Division, P.O. Box 21648, Juneau, Alaska, 99802-1648. Telephone: (907) 586-7428, or: Andy Hughes, Transportation Planner, Alaska Department of Transportation and Public Facilities, SE. Region Planning, 6860 Glacier Highway, Juneau, Alaska, 99801-7999. Telephone: (907) 789-6230.

SUPPLEMENTARY INFORMATION: The Alaska Department of Transportation and Public Facilities, using professional consultant services, will prepare an environmental impact statement (EIS) on a proposal to bridge the Tongass Narrows to connect Ketchikan to the Ketchikan International Airport located on Gravina Island. The proposed improvement would involve constructing two major bridge structures and approximately 4.5 miles of new highway connecting Revillagigedo, Pennock, and Gravina Islands to provide a highway between Ketchikan and its airport. Tongass Narrows is a deep water shipping channel.

The proposed improvements are considered necessary to provide adequate access between Ketchikan and its airport. Current access is provided by an airport shuttle ferry. The ferry carries passengers, luggage, freight, and vehicles. The ferry periodically reaches capacity and occasionally is out of service due to vessel and shore facility break-downs of equipment. The airport shuttle ferry system presents both an inconvenience to the traveling public and an economic deterrent to development of the airport and development of lands on Pennock and Gravina Islands. Alternatives under consideration include (1) taking no action, (2) improving the ferry system, (3) constructing a bridge in one of several alternate locations along the Tongass Narrows with or without a connection to Pennock Island, and (4) constructing a tube under the channel in one of several locations.

A scoping newsletter and letters describing the proposed action and soliciting comments 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 interest in this proposal. A scoping meeting with state and federal resource agencies in Juneau, Alaska and a public scoping workshop/meeting in Ketchikan, Alaska will be held in March 1992. The scoping process is intended to insure that the full range of issues related to this proposed

action are identified and addressed. 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 addressed 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 7, 1992.

Robert E. Ruby,
Division Administrator, Alaska Division.
[FR Doc. 92-4116 Filed 2-21-92; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement: Weber County, UT

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Revised notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will not be prepared for the proposed highway project in Weber County, Utah.

FOR FURTHER INFORMATION CONTACT: Tom Allen, U.S. Department of Transportation, Federal Highway Administration, 2520 West 4700 South, suite 9A, Salt Lake City, Utah 84118, Telephone: (801) 524-5143; R. James Naegle, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119, Telephone (801) 965-4160; or Lynn Zollinger, Utah Department of Transportation, District One Office, P.O. Box 12580, 169 Wall Avenue, Ogden, Utah 84404, Telephone (801) 399-5921.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Utah Department of Transportation, have determined that an EIS will not be prepared for the proposed project to improve 36th Street from Wall Avenue to Harrison Boulevard for a distance of approximately 1.61 miles.

Improvements being considered will not have significant impacts on the environment. The original concept to provide a four lane section and remove residences and businesses along one side of the street is no longer being considered. An environmental assessment is currently being prepared to evaluate the project impacts.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on

Federal programs and activities apply to this program.)

Issued on: February 12, 1991.

Donald P. Steinke,
Division Administrator, Salt Lake City, Utah.
[FR Doc. 92-4137 Filed 2-21-92; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 18, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0043.
Form Number: IRS Form 972.
Type of Review: Extension.
Title: Consent of Shareholder to Include Specific Amount in Gross Income.

Description: Form 972 is filed by shareholders of corporations to elect to include an amount in gross income as a dividend. IRS uses Form 972 as check to see if an amended return is filed to include the amount in income and to determine if the corporation claimed the correct amount.

Respondents: Individuals or households. Businesses or other for-profit.

Estimated Number of Respondents/Recordkeepers: 400.

Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—13 minutes
Learning about the law or the form—3 minutes

Preparing the form—14 minutes
Copying, assembling, and sending the form to IRS—31 minutes

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 408 hours.

OMB Number: 1545-0991.
Form Number: IRS Form 8633.

Type of Review: Revision.
Title: Application to Participate in the Electronic Filing Program.

Description: Form 8633 will be used by tax preparers, electronic return collectors, software firms, and electronic transmitters, as an application to participate in the electronic filing program covering individual income tax returns.

Respondents: Businesses or other for-profit, Non-profit institutions.

Estimated Number of Respondents: 30,000.

Estimated Burden Hours Per

Respondent: 45 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 22,500 hours.

OMB Number: 1545-1151.

Form Number: IRS Form 8818.

Type of Review: Extension.

Title: Optional Form to Record

Redemption of College Savings Bonds.

Description: If an individual redeems U.S. Savings Bonds issued after 1989 and pays qualified higher education expenses during the year, the interest on the bonds is excludable from income. The form can be used by the individual to keep a record of the bonds cashed so that he or she can claim the proper interest exclusion.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 50,000.

Estimated Burden Hours Per

Respondent/Recordkeeper:

Recordkeeping—7 minutes

Learning about the law or the form—3 minutes

Preparing the form—17 minutes

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 21,500 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92-4146 Filed 2-21-92; 8:45 am]

BILLING CODE 4830-01-M

United States Customs Service

[T.D. 92-15]

Extension of Comsource American, Inc.'s Customs Approval and Accreditations to include a New Facility

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

ACTION: Notice of the extension of Comsource American, Inc.'s Customs

approval and accreditations to include gauging and laboratory testing performed at a new facility.

SUMMARY: Comsource American, Inc., of Pasadena, Texas, a Customs accredited commercial laboratory and approved gauger under § 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of its approval and accreditations at its new Kenilworth, New Jersey facility to include the gauging of petroleum and petroleum products, organic chemicals in bulk and in liquid form and vegetable oils; and the performance of the following analyses: API Gravity, sediment and water, antiknock index, distillation characteristics, Reid Vapor Pressure, Saybolt Universal Viscosity, sediment by extraction, percent by weight sulfur in petroleum products, percent by weight lead in gasoline, identity of organic compounds using common or IUPAC nomenclature and composition giving percent by weight of each component.

SUPPLEMENTARY INFORMATION: Part 151 of the Customs Regulations provides for the acceptance at Customs Districts of Laboratory analyses and gauging reports for certain products from Customs accredited commercial laboratories and approved gaugers. Comsource American, Inc., which holds Customs accreditation in certain laboratory analyses and Customs approval to gauge certain products, has applied to Customs to extend its laboratory accreditation and gauging approval in the manner described above. Review of Comsource American, Inc.'s qualifications shows that the extension is warranted and, accordingly, has been granted.

EFFECTIVE DATE: February 12, 1992.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitutional Ave. NW., Washington, DC 20229 (202-566-2446).

Dated: February 18, 1992.

John B. O'Loughlin,
Director, Office of Laboratories and Scientific Services.

[FR Doc. 92-4154 Filed 2-21-92; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 92-18]

Recordation of Trade Name: "Grand Tea Company"

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

ACTION: Notice of recordation.

SUMMARY: On December 2, 1991, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Grand Tea Company," was published in the Federal Register (56 FR 61278). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than January 31, 1992. No responses were received in opposition to the notice. Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "Grand Tea Company," is recorded as the trade name used by Thomas Li Ka Cheung, a citizen of Hong Kong with an address at 363 Queen's Road Central, Hong Kong.

The trade name is used in connection with tea. The merchandise is manufactured in Hong Kong.

EFFECTIVE DATE: February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Robert L. Knapp, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington, DC 20229 (202 266-6956).

Dated: February 18, 1992.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 92-4124 Filed 2-21-92; 8:45 am]

BILLING CODE 4820-02-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 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 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) 395-7318. Do not send requests for benefits to this address.

DATES: Comments on the information

collection should be directed to the OMB Desk Officer by March 25, 1992.

Dated: February 14, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Application for Standard Government Monument, VA Form 40-1330.

2. The form is used to apply for a

Government provided headstone or marker for unmarked graves of eligible deceased veterans and their dependents. The information is used to evaluate an applicant's claim for the benefit.

3. Individuals or households.

4. 80,000 hours.

5. 15 minutes.

6. On occasion.

7. 320,000 respondents.

[FR Doc. 92-2. 4117 Filed 2-21-92; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 57, No. 38

Monday, February 24, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

Correction of Meeting Notice.

Notice is hereby given in accordance with Section 552b of Title 5, United States Code, that a meeting of the Blackstone River Valley National Heritage Corridor Commission will be held on Monday, March 2, 1992 to be held at 4 p.m. rather than the earlier announced time of 7 p.m. at the North Smithfield Congregational Church, On The Common, North Smithfield, RI rather than at the N. Smithfield Public Library as posted earlier.

The Commission was established pursuant to Public Law 99-647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 4:00 p.m. at the North Smithfield Congregational Church, on the Common, North Smithfield, RI for the following reasons:

1. To Review and Approve Demonstration Projects

This meeting was changed to a different location and time to accommodate the interest of a larger number of the general public than originally anticipated. It is anticipated that about fifty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: James Pepper, Executive Director, Blackstone River Valley National Heritage Corridor Commission, P.O. Box 34, Uxbridge, MA 01569. Telephone: (508) 278-9400.

Further information concerning this meeting may be obtained from James Pepper, Executive Director of the Commission at the address below.

Nancy L. Brittain,

Acting Director, Blackstone River Valley National Heritage Corridor Commission.

[FR Doc. 92-4286 Filed 2-20-92; 3:17 pm]

BILLING CODE 4310-70-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, March 4, 1992.

PLACE: 2033 K St., NW., Washington, DC, Lower Lobby Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application for designation as a contract market in Natural Gas Options/New York Mercantile Exchange

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4294 Filed 2-20-92; 3:49 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Wednesday, March 4, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4295 Filed 2-20-92; 3:49 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 6, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4296 Filed 2-20-92; 3:49 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 13, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4297 Filed 2-20-92; 3:49 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRAINING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 20, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4298 Filed 2-20-92; 3:49 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRAINING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 27, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-4299 Filed 2-20-92; 3:49 pm]

BILLING CODE 6351-01-M

COMMISSION ON CIVIL RIGHTS

February 20, 1992.

DATE AND TIME: Friday, February 28, 1992.

PLACE: 28 Federal Plaza, Room 305C, New York, New York.

STATUS: Open to the Public.

February 28, 1992

- I. Approval of Agenda
- II. Approval of Minutes of January Meeting and February Telephonic Meeting
- III. Announcements
- IV. Determination of Next Hearing Site

- V. Staff Director's Report
Presentation and Review of Hearing
Manual
- VI. Review of 1992 Commission Meeting
Dates
- VII. Future Agenda Items

CONTACT PERSON FOR MORE

INFORMATION: Barbara Brooks, Press
and Communications, (202) 376-8312.

Emma Monroig,

Splicitor.

[FR Doc. 92-4293 Filed 2-20-92; 3:37 pm]

BILLING CODE 6335-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION**Notice of Agency Meeting.**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:47 p.m. on Wednesday, February 19, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the probable failure of certain insured banks.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Dated: February 19, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-4208 Filed 2-19-92; 4:54 pm]

BILLING CODE 6714-0-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 19, 1992.

TIME AND DATE: 10:00 a.m., Wednesday,
February 26, 1992.

PLACE: Room 600, 1730 K Street, NW.,
Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Ten-A-Coal Company*, Docket No. WEVA 89-274. (Issues include whether the judge erred in holding that the Secretary of Labor could not modify a citation issued under § 104(a) of the Mine Act, 30 U.S.C. § 814(a), to a § 104(d)(1) order of withdrawal after the citation has been terminated.)
2. *Wyoming Fuel Company*, Docket No. WEST 90-112-R, etc. (Issues include whether the judge erred by (a) granting Wyoming Fuel's motion for an expedited hearing, (b) holding that the Secretary of Labor could not modify two citations after they had been terminated, and (c) vacating two imminent danger orders issued under § 107(a) of the Mine Act, 30 U.S.C. § 817(a).)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5629/
(202) 708-9300 for TDD Relay, 1-800-
877-8339 (Toll Free).

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 92-4275 Filed 2-20-92; 3:15 pm]

BILLING CODE 6735-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 19, 1992.

TIME AND DATE: 10:00 a.m., Thursday,
February 27, 1992.

PLACE: Room 600, 1730 K Street, NW.,
Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Consolidation Coal Company*, Docket No. WEVA 89-234-R, etc. (Issues include whether the judge erred in concluding that (i) 30 CFR § 50.30-1(g)(3) is a valid, enforceable regulation; (ii) Consolidation violated the regulation; and (iii) civil penalties may be assessed for the violations.)

Any person attending this hearing who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(e).

TIME AND DATE: Immediately following
oral argument.

STATUS: Closed [Pursuant to 5 U.S.C.
§ 552b(c)(10)].

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Consolidation Coal Company*, Docket No. WEVA 89-234-R, etc. (See Oral Argument listing)

It was determined by a unanimous vote of Commissioners that this meeting be held in closed session.

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-
5629/(202) 708-9300 for TDD Relay, 1-
800-877-8339 for toll free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 92-4276 Filed 2-20-92; 3:15 pm]

BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice to be published in the *Federal Register* on Friday, February 21, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, February 26, 1992.

CHANGES IN THE MEETING: The open meeting has been canceled.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne,
Assistant to the Board; (202) 452-3204.

Dated: February 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4261 Filed 2-20-92; 1:28 pm]

BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS REAUTHORIZATION COMMITTEE MEETING OF MARCH 9, 1992

Notice.

TIME AND DATE: A meeting of the Board of Directors Reauthorization Committee will be held on March 9, 1992. The meeting will commence at 8:30 a.m.

PLACE: The Washington Marriott Hotel, 1221 22nd Street, NW., The Dupont Ballroom, Washington, DC 20037, (202) 872-1500.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of February 17, 1992 Meeting.
3. Public Comment Regarding Inspector General's February 17, 1992 Comments On Proposed Reauthorization Legislation for the Corporation.
4. Staff Comment Regarding Proposed Reauthorization Legislation for the Corporation.
5. Consideration of Comments of the Inspector General Regarding Proposed Reauthorization Legislation for the Corporation.
6. Consideration of Proposed Reauthorization Legislation for the Legal Services Corporation.

CONTACT PERSON FOR INFORMATION:

Members of the public wishing to comment on the above-referenced matter are asked to contact Patricia Batie at (202) 863-1839 not later than February 28, 1992.

Date Issued: February 20, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92-4285 Filed 2-20-92; 3:16 pm]

BILLING CODE 7050-01-M

NATIONAL LABOR RELATIONS BOARD

Notice of Meeting.

TIME AND DATE: 9:30 a.m., Thursday, February 20, 1992.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW., Washington, DC 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and c(10) (adjudicatory matters).

MATTERS CONSIDERED:

Personnel Matters

CONTACT PERSON FOR MORE

INFORMATION: John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, DC 20570. Telephone: (202) 254-9430.

Dated, Washington, DC, February 18, 1992.

By direction of the Board:

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 92-4207 Filed 2-19-92; 4:53 pm]

BILLING CODE 7445-01-M

Corrections

Federal Register

Vol. 57, No. 36

Monday, February 24, 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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 106

[Docket No. 87N-0402]

Infant Formula Record and Record Retention Requirements

Correction

In rule document 91-30716 beginning on page 66566 in the issue of Tuesday, December 24, 1991, make the following corrections:

1. On page 66566, in the third column, in the **SUMMARY**, in the next to last line, "wholesale," should read "wholesome,".

2. On page 66569, in the third column, in the third line, "regulatory" should read "regularly".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Prednisolone Tablets

Correction

In rule document 92-2985 beginning on page 4718 in the issue of Friday, February 7, 1992, make the following correction:

PART 520—[CORRECTED]

On page 4718, in the third column, under PART 520, in the Authority, in the second line, "(21 U.S.C. 36b)." should read "(21 U.S.C. 360b)."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 340

[Docket No. 75N-244U]

RIN 0905-AA06

Stimulant Drug Products for Over-the-Counter Human Use; Proposed Amendment to the Monograph

Correction

In proposed rule document 91-30426 beginning on page 66758 in the issue of Tuesday, December 24, 1991, make the following corrections:

1. On page 66758, in the first column, under **DATES**, in the seventh line, "February 24, 1992." should read "February 24, 1993."

§ 340.20 [Corrected]

2. On page 66760, in the third column, in § 340.60(d)(2), in the next to last line, "establish" should read "established".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 82N-0166]

RIN 0905-AA06

Orally Administered Drug Products for Relief of Symptoms Associated With Overindulgence in Food and Drink for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In proposed rule document 91-30427 beginning on page 66742 in the issue of Tuesday, December 24, 1991, make the following corrections:

1. On page 66742, in the second column, in the first full paragraph, in the first line, "§ 330.10(a)(10)." should read "§ 330.10(a)(10)."

2. On page 66744, in the 1st column, under paragraph 2., in the 22nd line, "of" should read "by".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91N-0498]

Superharm Corp., et al.; Withdrawal of Approval of Abbreviated New Drug Applications

Correction

In the issue of Tuesday, February 11, 1992, on page 5048, in the second column, in the correction of notice document 91-30095, in the first paragraph, in the third line, the date "December 17," should read "December 17, 1991".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8387]

RIN 1545-AM74

Abatements, Credits, and Refunds—Special Rules for an Insolvent Financial Institution That Is or Was a Member of a Consolidated Group

Correction

In rule document 91-31015, beginning on page 67487, in the issue of Tuesday, December 31, 1991, make the following corrections:

1. On page 67487, in the second column, the subject heading was printed incorrectly, and should read as set forth above.

2. On page 67488, in the second column, in the first full paragraph, in the first line, insert a comma after "example".

PART 1—[CORRECTED]

3. On page 67489, in the first column, in the authority citation, in the fourth line, insert " * " after "6402(i)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[T.D. 8384]

RIN 1545-AP82

Certification of Enhanced Oil Recovery Projects*Correction*

In rule document 91-30873, beginning on page 67176 in the issue of Monday, December 30, 1991, make the following corrections:

§ 1.43-3T

1. On page 67177, in the second column, in § 1.43-3T(a)(3)(i)(D)(2), the third line should read "estimates of production after implementation".

2. On the same page, in the same column, in § 1.43-3T(a)(3)(ii), in the second line, "expended" should read "expanded".

3. On the same page, in the third column, in § 1.43-3T(c)(2), in the ninth line, "data" should read "date".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[T.D. 8390]

RIN 1545-AP37

Tax Treatment of Salvage and Reinsurance*Correction*

In rule document 92-1942 beginning on page 3130, in the issue of Tuesday, January 28, 1992, make the following correction:

§ 1.832-4 [Corrected]

On page 3132, in the third column, in § 1.832-4(d)(2)(i), in the seventh line, the paragraph designated "(a)" should read "(A)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Parts 1 and 301**

[CO-98-88]

RIN 1545-AP57

**Abatements, Credits, and Refunds—
Special Rules for an Insolvent
Financial Institution That is or Was a
Member of a Consolidated Group***Correction*

In proposed rule document 91-31016, beginning on page 67553, in the issue of Tuesday, December 31, 1991, make the following corrections:

1. On page 67553, in the first column, the subject heading was printed incorrectly, and should read as set forth above.

2. On the same page, in the same column, under **FOR FURTHER INFORMATION CONTACT:**, in the third line, insert "the" after "concerning".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY**Internal Revenue Service
26 CFR Parts 1 and 301**

[CO-98-88]

RIN 1545-AP57

**Abatements, Credits, and Refunds—
Special Rules for an Insolvent
Financial Institution That is or Was a
Member of a Consolidated Group;
Hearing***Correction*

In proposed rule document 91-31017, appearing on page 67554, in the issue of Tuesday, December 31, 1991, in the 1st column, under **ADDRESSES:**, in the 11th line, "Washington, D" should read "Washington, DC".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and
Firearms****27 CFR Part 9**

[Notice No. 734]

RIN 1512-AA07

**Realignment of the Northern Boundary
of the Alexander Valley Viticultural
Area (89F751P)***Correction*

In proposed rule document 92-3329 beginning on page 4942 in the issue of Tuesday, February 11, 1992, make the following correction:

1. On page 4943, in the second column, under the heading *Comments Received in Response to Notice No. 719*, in the third line, after "were" insert "received after the closing date. These comments were".

2. On the same page, in the third column, in the file line at the end of the document, "FR Doc. 91-3329 Filed 2-10-91;" should read "FR Doc. 92-3329 Filed 2-10-92;".

BILLING CODE 1505-01-D