

Federal Reserve



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Contents

Federal Register

Vol. 57, No. 192

Friday, October 2, 1992

Agricultural Marketing Service

See Packers and Stockyards Administration

RULES

Milk marketing orders:

Eastern Colorado, 45564

Nebraska-Western Iowa, 45562, 45563

Nectarines and peaches grown in California, 45559

Potatoes (Irish) grown in—

Colorado, 45560

PROPOSED RULES

Lemons grown in California and Arizona, 45581

Milk marketing orders:

Southwest Plains, 45583

Agriculture Department

See Agricultural Marketing Service

See Food and Nutrition Service

See Forest Service

See Packers and Stockyards Administration

See Soil Conservation Service

NOTICES

Agricultural commodities, overseas donations; types and quantities, 45604

Alcohol, Drug Abuse, and Mental Health Administration

NOTICES

Federal agency urine drug testing; certified laboratories meeting minimum standards, list, 45635

Alcohol, Tobacco and Firearms Bureau

PROPOSED RULES

Alcohol; viticultural area designations:

Oakville and Rutherford, CA, 45588

Army Department

NOTICES

Meetings:

U.S. Army Reserve Command Independent Commission, 45616

Military traffic management:

CONUS automated rate system (CARTS)

Personal property shipping offices (PPSOs); test sites changes, 45616

Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

Blind and Other Severely Handicapped, Committee for Purchase From

See Committee for Purchase From the Blind and Other Severely Handicapped

Census Bureau

NOTICES

Meetings:

American Economic Association Advisory Committee et al., 45606

Coast Guard

RULES

Regattas and marine parades:

Tall Stacks 1992; correction, 45570

PROPOSED RULES

Navigation safety regulations and uninspected vessels:

Automatic pilot use; area restrictions and performance requirements, 45667

Pollution:

Ballast water management for vessels entering Great Lakes, 45591

Ports and waterways safety:

Cumberland Sound, GA, et al.; safety and security zone, 45596

Tankers; second officer on bridge, 45664

Unattended machinery spaces; operating requirements, 45662

Commerce Department

See Census Bureau

See Export Administration Bureau

See Foreign-Trade Zones Board

See International Trade Administration

See National Oceanic and Atmospheric Administration

Committee for Purchase From the Blind and Other Severely Handicapped

NOTICES

Procurement list; additions and deletions, 45608, 45609

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:

Bangladesh, 45608

Thailand, 45607

Commodity Futures Trading Commission

NOTICES

Contract market proposals:

Coffee, Sugar & Cocoa Exchange, Inc.—

Brazil differential coffee, 45609

Defense Department

See Army Department

NOTICES

Meetings:

Scientific Advisory Group on Effects, 45610

Travel per diem rates, civilian personnel; changes, 45610

Education Department

NOTICES

Administrative Law Judges Office hearings:

Claim compromises—

Maine Education Department, 45616

Employment Standards Administration

NOTICES

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 45641

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Floodplain and wetlands protection environmental review determinations; availability, etc.:

Mound Facility, Miamisburg, OH; characterization activities, 45617

Rocky Flats Plant, CO

Characterization activities, 45620
 Characterization and remediation studies, 45622
 Treatability study, 45624

Natural gas exportation and importation:

Columbus Energy Corp., 45628
 Offshore Gas Marketing, Inc., 45627
 Orange & Rockland Utilities, Inc., 45627

Environmental Protection Agency**RULES****Hazardous waste program authorizations:**

Illinois, 45575
 Rhode Island, 45574

PROPOSED RULES**Clean Air Act:**

Architectural and Industrial Coatings Negotiated
 Rulemaking Advisory Committee; establishment and
 meeting, 45597

Superfund program:

National oil and hazardous substances contingency
 plan—
 National priorities list update, 45597, 45599

NOTICES**Environmental statements; availability, etc.:**

Agency statements—
 Comment availability, 45628
 Weekly receipts, 45629

Meetings:

State-FIFRA Research and Evaluation Group, 45630

Equal Employment Opportunity Commission**RULES**

Employer information report (EEO-1); filing deadline
 extension, 45570

Export Administration Bureau**NOTICES****Export privileges, actions affecting:**

Iran Air
 Stay of final order, 45606

Federal Aviation Administration**PROPOSED RULES****Airworthiness directives:**

Boeing, 45584
 British Aerospace, 45584
 McDonnell Douglas, 45586

Jet routes; correction, 45660**VOR Federal airways; correction, 45660****NOTICES**

Exemption petitions; summary and disposition, 45650
 Grants and cooperative agreements; availability, etc.:
 National Airspace System (NAS) long-term technical
 needs, 45651

Meetings:

Research, Engineering, and Development Advisory
 Committee, 45651
 Passenger facility charges; applications, etc.:
 Grand Forks Mark Andrews Airport, ND; correction,
 45660
 Twin Falls, ID, et al., 45652

Federal Communications Commission**RULES**

Radio stations; table of assignments:
 California, 45577

Georgia, 45578

North Carolina, 45578

Virginia, 45578, 45579

PROPOSED RULES**Radio stations; table of assignments:**

Arkansas et al., 45601

Federal Deposit Insurance Corporation**NOTICES**

Peoples State Bank, TX; assistance for merger, 45630

Federal Election Commission**NOTICES**

Meetings; Sunshine Act, 45658

Federal Energy Regulatory Commission**NOTICES**

Meetings; Sunshine Act, 45658
Applications, hearings, determinations, etc.:
 Texas Gas Transmission Corp., 45628
 Williams Natural Gas Co., 45628

Federal Maritime Commission**NOTICES****Complaints filed:**

Symington, Hugh, et al., 45630
 Investigations, hearings, petitions, etc.:
 Ariel Maritime Group et al., 45631

Federal Reserve System**NOTICES**

Meetings; Sunshine Act, 45658
Applications, hearings, determinations, etc.:
 Anderson, Elmer Lamar, et al., 45633
 First Commerce Bancorp, Inc., et al., 45633
 Norwest Corp., 45634
 Random Lake Bancorp, Ltd., et al., 45634

Federal Trade Commission**PROPOSED RULES**

Privacy Act; implementation, 45676

NOTICES

Privacy Act:
 Systems of records, 45678

Federal Transit Administration**NOTICES**

Grants; FTA sections 3 and 9 obligations, 45655

Fish and Wildlife Service**NOTICES**

Environmental statements; availability, etc.:
 Cokeville Meadows National Wildlife Refuge, WY, 45640

Food and Nutrition Service**NOTICES**

Food distribution program:
 Emergency food assistance program; commodities
 donated to households, soup kitchens, and food
 banks; availability, 45604

Foreign-Trade Zones Board**NOTICES**

Applications, hearings, determinations, etc.:
 Wisconsin, 45606

Forest Service**NOTICES**

Appeal exemptions; timber sales:
Malheur National Forest, OR, 45605

Health and Human Services Department

See Alcohol, Drug Abuse, and Mental Health
Administration

See Health Resources and Services Administration
See Public Health Service

Health Resources and Services Administration

See Public Health Service

NOTICES

Meetings; advisory committees:
October; correction, 45637

Housing and Urban Development Department**NOTICES**

Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 45637

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See Reclamation Bureau

Internal Revenue Service**RULES**

Income taxes:

Foreign tax credits; income subject to separate limitations
Correction, 45660

Tax accounting for bad debts; conclusive presumption,
45568

PROPOSED RULES

Income taxes:

Tax accounting for bad debts; conclusive presumption;
cross reference, 45587

International Trade Administration**NOTICES**

Antidumping:

Alloy and carbon hot rolled bars, rods, and semifinished
products of special bar quality engineered steel, from
Brazil; correction, 45660

Carbon steel wire rope from Japan, 45607

Interstate Commerce Commission**PROPOSED RULES**

Rail carriers:

Export corn and export soybeans; exemption, 45602

NOTICES

Motor carriers:

Agricultural cooperative transportation filing notices,
45640

Labor Department

See Employment Standards Administration

NOTICES

Committees; establishment, renewal, termination, etc.:
Glass Ceiling Commission, 45640

Land Management Bureau**RULES**

Public land orders:

New Mexico, 45576

NOTICES

Realty actions; sales, leases, etc.:
Arizona, 45638

Withdrawal and reservation of lands:

Colorado, 45639

Libraries and Information Science, National Commission

See National Commission on Libraries and Information
Science

National Commission on Libraries and Information Science**NOTICES**

Meetings; Sunshine Act, 45658

National Foundation on the Arts and the Humanities**NOTICES**

Agency information collection activities under OMB review,
45643

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

Gulf of Alaska groundfish, 45580

Tuna, Atlantic bluefin fisheries, 45579

PROPOSED RULES

Fishery conservation and management:

Bering Sea and Aleutian Islands groundfish, 45602

Nuclear Regulatory Commission**RULES**

Byproduct material; domestic licensing and medical use:

Radiopharmaceuticals; departures for manufacturer's
instructions; recordkeeping requirements elimination,
45566

NOTICES

Meetings:

Licensed performance systematic assessment program,
45643

Applications, hearings, determinations, etc.:

Houston Lighting & Power Co. et al., 45643

Tennessee Valley Authority, 45645

Packers and Stockyards Administration**NOTICES**

Central filing system; State certifications:

Colorado, 45605

Personnel Management Office**NOTICES**

Meetings:

Federal Salary Council, 45646

Postal Service**RULES**

International postal rates and fees:

VALUEPOST/CANADA bulk mailing service;
establishment, 45570

Public Health Service

See Alcohol, Drug Abuse, and Mental Health

Administration

See Health Resources and Services Administration

NOTICES

Agency information collection activities under OMB review,
45637

Railroad Retirement Board**NOTICES**

Meetings; Sunshine Act, 45658

Reclamation Bureau

NOTICES

Environmental statements; availability, etc.:
Central Valley Project, CA, 45639

Research and Special Programs Administration

NOTICES

Pipeline safety; waiver petitions:
Exxon Pipeline Co., 45655

Securities and Exchange Commission

NOTICES

Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc., 45646
Options Clearing Corp., 45649

Soil Conservation Service

NOTICES

Environmental statements; availability, etc.:
Lower Rapid Creek, SD, 45606

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile
Agreements

Thrift Supervision Office

NOTICES

Applications, hearings, determinations, etc.:
Midwest Federal Savings & Loan Association of Eastern
Iowa, 45656

Transportation Department

See Coast Guard
See Federal Aviation Administration
See Federal Transit Administration
See Research and Special Programs Administration

Treasury Department

See Alcohol, Tobacco and Firearms Bureau
See Internal Revenue Service
See Thrift Supervision Office

NOTICES

Notes, Treasury:
AE-1994 series, 45656
R-1997 series, 45656
Organization, functions, and authority delegations:
Deputy Assistant Secretary (Regulatory, Tariff, and Trade
Enforcement), 45656

United States Information Agency

NOTICES

Senior Executive Service:
Performance Review Board; membership, 45656

Separate Parts in This Issue

Part II

Department of Transportation, Coast Guard, 45662

Part III

Federal Trade Commission, 45676

Reader Aids

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR

916.....	45559
917.....	45559
948.....	45560
1065 (2 documents).....	4562, 45563
1137.....	45564

Proposed Rules:

910.....	45581
1106.....	45583

10 CFR

30.....	45566
35.....	45566

14 CFR**Proposed Rules:**

39 (3 documents).....	45584- 45586
71 (3 documents).....	45660

16 CFR**Proposed Rules:**

4.....	45676
--------	-------

26 CFR

1 (2 documents).....	45568, 45660
----------------------	-----------------

Proposed Rules:

1.....	45587
--------	-------

27 CFR**Proposed Rules:**

9.....	45588
--------	-------

29 CFR

1602.....	45570
-----------	-------

33 CFR

100.....	45570
----------	-------

Proposed Rules:

151.....	45591
164 (3 documents).....	45662- 45667
165.....	45596

39 CFR

20.....	45570
---------	-------

40 CFR

271.....	45574
272.....	45575

Proposed Rules:

Ch. 1.....	45597
300 (2 documents).....	45597, 45599

43 CFR**Public Land Orders:**

6949.....	45576
-----------	-------

46 CFR**Proposed Rules:**

35.....	45667
---------	-------

47 CFR

73 (6 documents).....	45577- 45579
-----------------------	-----------------

Proposed Rules:

73.....	45601
---------	-------

49 CFR**Proposed Rules:**

1039.....	45602
-----------	-------

50 CFR

285.....	45579
672.....	45580

Proposed Rules:

675.....	45602
----------	-------

Rules and Regulations

Federal Register

Vol. 57, No. 192

Friday, October 2, 1992

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

Agricultural Marketing Service

7 CFR Parts 916 and 917

(Docket No. FV-92-075FR)

1992-93 Fiscal Year Expenses and Assessment Rates for the Marketing Orders Covering Nectarines and Peaches Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is adopting as a final rule an interim final rule which authorized expenses and established assessment rates for the 1992-93 fiscal year (March 1-February 28) under Marketing Order Nos. 916 and 917. These expenses and assessment rates are needed by the Nectarine Administrative Committee and Peach Commodity Committee established under these marketing orders to pay their expenses and collect assessments from handlers to pay those expenses. This action will enable these committees to continue to perform their duties and the marketing orders to operate.

EFFECTIVE DATE: November 2, 1992.

FOR FURTHER INFORMATION CONTACT:

Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; telephone: (202) 720-5331, or Kurt Kimmel, Marketing Field Office, USDA/AMS, 2202 Monterey St., Suite 102-B, Fresno, California 93721; telephone: (209) 487-5901.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order Nos. 916 (7 CFR part 916) regulating the handling of nectarines grown in California, and 917 (7 CFR part 917)

regulating the handling of fresh pears and peaches grown in California. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, nectarines and peaches grown in California are subject to assessments. It is intended that the assessment rates specified herein be made applicable to all assessable nectarines and peaches during the 1992-93 fiscal year, beginning March 1, 1992, through February 28, 1993. This final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately

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

There are about 300 handlers of California peaches and nectarines subject to regulation under Marketing Order Nos. 916 and 917 and about 1,800 producers of these fruits in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of these handlers and producers may be classified as small entities.

These marketing orders, administered by the Department, require that assessment rates for a particular fiscal year shall apply to all assessable fresh fruit handled from the beginning of such year. An annual budget of expenses is prepared by each marketing committee and submitted to the Department for approval. The members of these committees are producers of the regulated commodities. They are familiar with the committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by the packages of fresh fruit expected to be shipped under the order. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their expenses.

The interim final rule was issued on July 8, 1992, and published in the *Federal Register* (57 FR 31090, July 14, 1992), with

a 30-day comment period ending August 13, 1992. No comments were received.

The Nectarine Administrative Committee (NAC) met May 5, 1992, and unanimously recommended approval of a 1992-93 budget with expenses of \$4,106,247 and an assessment rate of \$0.1825 per 25-pound package of assessable nectarines handled. The 1992-93 nectarine budget is similar in scope to the one approved for 1991-92. Actual expenses for 1991-92 totaled \$3,789,577, while the assessment rate was \$0.1825.

The 1992-93 nectarine budget contains \$569,940 for marketing order administration and miscellaneous items, \$2,192,400 for market development, \$125,322 for research, \$1,009,085 for inspection, and \$222,000 for uncollected assessment accounts. In comparison, actual expenditures for 1991-92 were \$484,548 for marketing order administration and miscellaneous items, \$2,090,590 for market development, \$122,128 for research, \$1,009,519 for inspection, and \$62,792 for uncollected assessment accounts.

Nectarine marketing order income for 1992-93 is expected to total \$4,106,172, with assessment income estimated at \$3,348,328, based on projected shipments of 18,347,000 packages of assessable nectarines. Other income includes \$484,000 in Foreign Agriculture Service matching promotion program funds, \$40,000 in other income including interest, and a \$110,000 rebate from the inspection service from last season's inspection payment. The NAC's reserve amounted to \$1,273,826 on March 1, 1992, an amount well within the maximum authorized under the marketing order.

The Peach Commodity Committee (PCC) met May 5, 1992, and recommended approval of a 1992-93 budget with expenses of \$3,925,512 and an assessment rate of \$0.19 per 25-pound package of assessable peaches handled. Eight members voted in favor of the proposed 1992-93 budget, while two members voted "no", because they favored a one-half cent lower assessment rate. The 1992-93 peach budget is similar in scope to the one approved for 1991-92. Actual expenses for 1991-92 totaled \$3,626,005, while the assessment rate was \$0.19.

The 1992-93 peach budget contains \$550,270 for marketing order administration and miscellaneous items, \$2,122,000 for market development, \$125,322 for research, \$913,920 for inspection, and \$214,000 for uncollected assessment accounts. In comparison, actual expenditures for 1991-92 were \$436,886 for marketing order administration and miscellaneous items,

\$1,804,531 for market development, \$136,321 for research, \$1,226,304 for inspection, and \$21,963 for uncollected assessment accounts.

Peach marketing order income for 1992-93 is expected to total \$4,224,017, with assessment income estimated at \$3,404,800, based on projected shipments of 17,900,000 packages of assessable nectarines. Other income includes \$484,000 in Foreign Agriculture Service matching promotion program funds, \$32,000 in other income including interest, and a \$100,000 rebate from the inspection service from last season's inspection payment. The PCC's reserve amounted to \$911,156 on March 1, 1992, an amount well within the maximum authorized under the marketing order.

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

After consideration of all relevant matter presented, the information and recommendations submitted by the committees, and other information, it is found that finalizing the interim final rule, as published in the *Federal Register* (57 FR 31090, July 14, 1992), will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 916 and 917 are amended as follows:

PART 916—NECTARINES GROWN IN CALIFORNIA

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

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

Note: These sections will not appear in the annual Code of Federal Regulations.

§§ 916.230 and 917.254 [Amended]

2. Accordingly, the interim final rule adding §§ 916.230 and 917.254, which was published in the *Federal Register* (57 FR 31090, July 14, 1992), is adopted as a final rule.

Dated: September 29, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92-23960 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 948

[Docket No. FV-92-077FR]

Irish Potatoes Grown in Colorado; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 948 for the 1992-93 fiscal period (September 1, 1992, through August 31, 1993). Authorization of this budget enables the Colorado Potato Administrative Committee, San Luis Valley Office (Area II) (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: September 1, 1992, through August 31, 1993.

FOR FURTHER INFORMATION CONTACT: Dennis West, Northwest Marketing Field Office, Green-Wyatt Federal Building, room 369, 1220 SW Third Avenue, Portland, OR 97204, telephone 503-326-2724, or Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 606(c)(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

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

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

There are approximately 285 producers of Colorado Area II potatoes under this marketing order, and approximately 118 handlers. Small Agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$300,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of Colorado Area II potato producers and handlers may be classified as small entities.

The budget of expenses for the 1992-93 fiscal period was prepared by the Colorado Potato Administrative Committee, San Luis Valley Office (Area II), the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Colorado Area II potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

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

The Committee met May 21, 1992, and unanimously recommended a 1992-93 budget of \$57,250, which is \$2,970 more than the previous year. In Colorado, both a State and Federal marketing order operate simultaneously. The State order authorizes promotion, including paid advertising, which the Federal order does not. Increases in expenditures for the 1992-93 fiscal period include \$1,275 for manager's salary, \$635 for assistant's salary, and \$500 for telephone. All promotion and advertising expenses are financed under the State order.

The Committee also unanimously recommended an assessment rate of \$0.0036 per hundredweight, which is \$0.0004 less than last season's rate. This rate, when applied to anticipated shipments of 13,250,000 hundredweight, will yield \$47,700 in assessment income. This, along with \$9,540 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the Committee's authorized reserve at the beginning of the 1991-92 fiscal period, estimated at \$63,781, were within the maximum permitted under the order.

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

a significant economic impact on a substantial number of small entities.

A proposed rule was published in the Federal Register on August 4, 1992 (57 FR 34289). That document contained a proposal to add § 948.209 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through August 14, 1992. No comments were filed.

Thus, it is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1992-93 fiscal period for the program began on September 1, 1992, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable Colorado Area II potatoes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the Committee at a public meeting.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is hereby amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

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

2. A new § 948.209 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 948.209 Expenses and assessment rate.

Expenses of \$57,240 by the Colorado Potato Administrative Committee, San Luis Valley Office (Area II) are authorized, and an assessment rate of \$0.0036 per hundredweight of assessable potatoes is established for the fiscal period ending August 31, 1993. Unexpended funds may be carried over as a reserve.

Dated: September 29, 1992.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 92-23961 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1065

[DA-92-22]

Milk in the Nebraska-Western Iowa Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions of the Nebraska-Western Iowa Federal milk marketing order for an indefinite period beginning with the month of September 1992. The suspension continues a suspension which expired August 31, 1992, that reduced the amount of milk that must be transferred from supply plants to pool distributing plants and removed the requirement that a producer's milk be physically received at a pool plant each month in order to be eligible for diversion to a nonpool plant. Continuation of the suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents producers who supply milk for the market. This action is necessary to prevent uneconomical and inefficient movements of milk.

EFFECTIVE DATE: September 1, 1992.

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

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of proposed suspension: Issued August 24, 1992; published August 28, 1992 (57 FR 39141).

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

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

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

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

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on August 28, 1992 (57 FR 39141) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No comments opposing this action were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for an indefinite period beginning with the month of September 1992, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1065.6, the words "during the month";

In § 1065.7(b)(1), the words "not more than one half of"; and,

In § 1065.13, paragraph (d)(1).

Statement of Consideration

This action suspends certain provisions of the order for an indefinite period beginning with September 1992. The action continues a suspension that reduced the amount of milk that must be transferred from supply plants to pool distributing plants and allowed milk to be diverted to a nonpool plant without being physically received at a pool plant during the month, which expired August 31, 1992.

The order defines a supply plant as a plant from which Grade A milk is shipped to a pool distributing plant. The order provides that to qualify as a pool supply plant, the supply plant must transfer or divert a specified percentage of its receipts of milk to pool distributing plants. The order further provides that a supply plant must ship milk to a distributing plant each month and that not more than one-half of the qualifying shipments may be met through the direct shipment of milk from farms to pool distributing plants. The order also provides that a dairy farmer's milk is not eligible for diversion during a month unless at least one day's production is physically received at a pool plant. The expired suspension removed the requirement that milk be transferred from a supply plant to a distributing plant each month, allowed all direct-shipped milk to count as a qualifying shipment, and removed the requirement that a dairy farmer's milk be physically received at a pool plant each month through August 31, 1992.

A continuation of the action was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents producers who supply milk to the market. Mid-Am contends that the marketing conditions that led to the last suspension will continue to exist for some time.

Current projections indicate that there will be ample supplies of direct-ship producer milk located in the proximity of the distributing plants to meet the fluid milk needs of the market. Thus, it is impractical to require producer milk located some distance from pool plants to be physically received once during the month, when the milk can more economically be diverted directly to manufacturing plants in the production area. In addition, it is inefficient to require that milk be transferred from supply plants to distributing plants when the fluid milk needs of the market can be supplied by the direct shipment of milk from farms to distributing plants. Absent a continuation of the expired suspension, costly and inefficient movements of milk will have to be made

to maintain pool status of producers who have historically supplied the fluid milk needs of the market.

The suspension was requested for an indefinite period and comments on this action were specifically requested from interested parties. This action will extend the expired suspension issued January 29, 1992, which suspended these provisions from January 1 through August 31, 1992. The continuation of this suspension indefinitely will allow for easier qualification of a supply plant as a pool supply plant. However, certain essential pooling standards would continue in the order.

Due to projections indicating that current marketing conditions will continue to exist for some time, extending the previous suspension for an indefinite period will likely prevent repetitious suspension actions in the future while ensuring efficient movements of milk. No comments were received in opposition to an indefinite suspension.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such action is necessary to permit the continued pooling of supply plants and the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given to interested parties and they were afforded opportunity to file written data, views, or arguments concerning the suspension. No comments in opposition to the action were received.

Therefore, good cause exists for making this order effective less than 30 days from date of publication in the Federal Register.

List of Subjects in 7 CFR Part 1065

Milk marketing orders.

It is therefore ordered, that the following provisions in title 7, part 1065, §§ 1065.6, 1065.7(b)(1), and 1065.13 of the Nebraska-Western Iowa order, are hereby suspended for an indefinite period beginning with the month of September 1992.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. The authority citation for 7 CFR part 1065 continues to read as follows:

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

§ 1065.6 [Suspended in Part]

2. In § 1065.6, the words "during the month" are hereby suspended for an indefinite period beginning with the month of September 1992.

§ 1065.7 [Suspended in Part]

3. In § 1065.7(b)(1), the words "not more than one half of" are hereby suspended for an indefinite period beginning with the month of September 1992.

§ 1065.13 [Suspended in Part]

4. In § 1065.13, paragraph (d)(1) is hereby suspended for an indefinite period beginning with the month of September 1992.

Dated: September 29, 1992.

Daniel Haley,
Administrator.

[FR Doc. 92-23956 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1065

[DA-92-21]

Milk in the Nebraska-Western Iowa Marketing Area; Revision of Supply Plant Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Revision of rules.

SUMMARY: This action revises certain provisions of the Nebraska-Western Iowa Federal milk marketing order for an indefinite period beginning with September 1992. Specifically, the action reduces the percentage of supply plant receipts that must be transferred or diverted to pool distributing plants in order for the supply plant to maintain pool plant status. The shipping standard will be 20 percent in all months. The action was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents producers who supply milk for the market. The revision is necessary to prevent uneconomical and inefficient movements of milk.

EFFECTIVE DATE: September 1, 1992.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2988, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 690-1366.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Revision of Supply Plant Shipping Percentages: Issued August 24, 1992; published August 28, 1992 (57 FR 39140).

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

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

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

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

This revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the provisions of § 1065.7(b) of the Nebraska-Western Iowa order.

Notice of proposed rulemaking was published in the Federal Register (57 FR 39140) concerning a proposed relaxation of the supply plant shipping percentage.

The revision was proposed to be effective for an indefinite period beginning with the month of September 1992. The public was afforded the opportunity to comment on the notice by submitting written data, views and arguments by September 4, 1992. No opposing comments were received.

Statement of Consideration

This action revises the supply plant shipping percentages set forth in § 1065.7(b) and is applicable to milk marketed on and after September 1, 1992. The revision lowers the shipping percentage for supply plants by either 10 or 20 percentage points, depending on the month, to 20 percent of receipts for an indefinite period. The revision continues the current application of a 20 percent shipping standard for supply plants that expired August 1992.

Pursuant to the provisions of § 1065.7(b)(3) of the Nebraska-Western Iowa milk order, the Director of the Dairy Division may increase or decrease the supply plant shipping percentage as set forth in § 1065.7(b) by up to 20 percentage points during any month. The adjustment can be made to help encourage additional milk shipments or to prevent uneconomic shipments of milk merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order.

Under the Nebraska-Western Iowa order, the stated supply plant shipping percentage is 40 percent or more of the total receipts of Grade A milk received from dairy farmers and cooperative associations. A revision signed October 3, 1989 (54 FR 41240), reduced the supply plant shipping percentage by 10 percentage points (from 40 percent to 30 percent of receipts) indefinitely for the months of September through March. A more recent revision, signed January 29, 1992 (57 FR 4150), reduced the shipping standard for just the months of January through August 1992 to 20 percent. This action will set the shipping standard at 20 percent of receipts for an indefinite period for all months, beginning September 1992.

Revision of the supply plant shipping standard was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents producers who supply milk to the market. Mid-Am has projected that there will be ample supplies of direct-ship producer milk located in the general area of the Nebraska-Western Iowa distributing plants to meet the fluid needs of such plants. Absent a revision, costly and inefficient movements of milk will have to be made in order to maintain pool status of the milk of its

members who have historically supplied the fluid needs of the market.

In view of marketing conditions, the aforementioned provisions of § 1065.7(b) should be relaxed for an indefinite period beginning with the month of September 1992. A reduction of the supply plant shipping percentage will eliminate the need for making uneconomic shipments of milk from supply plants to distributing plants, and will assure that dairy farmers long associated with the fluid milk market will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This revision is necessary to reflect marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This revision does not require of persons affected substantial or extensive preparation prior to the effective dates; and

(c) Notice of the proposed revision was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this revision. No opposing views were received.

Therefore, good cause exists for making this revision effective, less than 30 days from the date of publication of this notice in the **Federal Register**.

List of Subjects in 7 CFR Part 1065

Milk marketing orders.

Title 7 part 1065 is amended as follows:

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. The authority citation for 7 CFR part 1065 continues to read as follows:

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

§ 1065.7 [Amended in Part]

Note: This amendment will not be published in the annual Code of Federal Regulations.

2. In the introductory text of § 1065.7(b), the provision "30 percent" is revised to "20 percent" for an indefinite period beginning with the month of September 1992.

Dated: September 29, 1992.

W.H. Blanchard,
Director, Dairy Division.

[FR Doc. 92–23962 Filed 10–1–92; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 1137

[DA-92-26]

Milk in the Eastern Colorado Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action continues the suspension of certain provisions of the Eastern Colorado Federal milk order. These provisions have been suspended for the same periods for the previous six years. This action suspends for September 1992 through February 1993, the limit on the period of automatic pool plant status for a supply plant which met pool shipping standards during the previous September through February period. The "touch-base" requirement that each member-producer's milk be received at least three times each month at a pool distributing plant to be eligible for diversion is suspended from September 1992 through August 1993. The percentage limits on the amount of milk that a cooperative may divert to surplus milk outlets is also suspended from September 1992 through August 1993. Continuation of this suspension is necessary to insure that dairy farmers who have historically supplied the Eastern Colorado market will continue to have their milk priced under the Eastern Colorado order, thereby receiving the benefits that accrue from pooling. In addition, this suspension is necessary to prevent the uneconomic and inefficient movement of milk under the order.

EFFECTIVE DATE: September 1, 1992.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9388.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 24, 1992; published August 28, 1992 (57 FR 39145).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action would not have a significant economic impact on a substantial number of small entities. This action will also tend to ensure that dairy farmers would continue to have their milk priced under the order and

thereby receive the benefits that accrue from such pricing.

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

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

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

Notice of proposed rulemaking was published in the *Federal Register* (57 FR 39145) on August 28, 1992, concerning the proposed suspension for September 1992 through February 1993, limiting the period of automatic pool plant status for a supply plant which met pool shipping standards during the previous September through February period. Notice of proposed suspension, for September 1992 through February 1993, was also given on the "touch-base" requirement that each member-producer's milk be received at least three times each month at a pool distributing plant to be eligible for diversion. In addition, notice of proposed suspension was given in reference to the percentage limits on the amount of milk that a cooperative may divert to surplus milk outlets, for the months of September 1992 through August 1993. The public was afforded the opportunity to comment on the notice by submitting written data, views and arguments by September 4, 1992. Two written comments were received that discussed the nature of the proposed suspension. The comments included full support of the suspension

of rule, as published in the *Federal Register*.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. For the months of September 1992 through February 1993:

In the second sentence of § 1137.7(b), the words "plant which has qualified as a" and the words "of March through August"; and

2. For the months of September 1992 through August 1993:

In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and in the second sentence "30% in the months of March, April, May, June, July, and December and 20 percent in other months of", as well as the word "distributing".

Statement of Consideration

This action continues the suspension of segments of the pool plant definition as well as the "touch-base" requirements for the Eastern Colorado order. This action continues the suspension of: (1) For the months of September 1992 through February 1993, the limit on the period of automatic pool plant status for a supply plant which met pool shipping standards during the previous September through February period, and (2) the "touch-base" and diversion limitation requirements for the months of September 1992 through August 1993. These provisions have been suspended previously in order to maintain the pool status of producers who have historically supplied the fluid needs of Eastern Colorado distributing plants.

The continuation of the current suspension was requested by Mid-America Dairymen, Inc., a cooperative association that represents a substantial share of the dairy farmers who supply the Eastern Colorado market. Western Dairymen Cooperative, Inc., filed comments supporting the proposed suspension.

The marketing conditions in the Eastern Colorado order that existed when the provisions were previously suspended still continue. During 1991, producer milk was 3.9 percent above 1990 while Class I sales were up 2.1 percent. During the period January through July 1992, producer receipts were 5.6 percent above the same period in 1991 and Class I sales were up 1.3 percent. Current projections indicate that there will be ample supplies of

locally produced milk to meet the requirements of Eastern Colorado distributing plants without requiring that each producer's milk be received at least three times each month at a pool distributing plant and without restricting the amount of milk that can be diverted to non-pool plants. Without the suspension action of the pool plant definition, locally produced milk would have to be shipped from the Denver area to surplus handling plants. The suspension of the touch-base provision of the order will not allow additional milk supplies to be pooled, but rather will provide for more efficient disposition of producer milk not needed for fluid requirements of Eastern Colorado distributing plants. By suspending the touch-base provision, producer milk will not be required to be delivered to pool plants for the sole purpose of meeting provisions of the Eastern Colorado order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such action is necessary to permit the continued pooling of supply plants and the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. Two comments in support of the suspension were received.

Therefore, good cause exists for making this order effective less than 30 days from date of publication in the *Federal Register*.

List of Subjects in 7 CFR Part 1137

Milk marketing orders.

It is therefore ordered, that the following provisions in title 7, part 1137, sections 7(b) and 12(a)(1) of the Eastern Colorado order are hereby suspended beginning September 1, 1992.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. The authority citation for 7 CFR part 1137 continues to read as follows:

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

§ 1137.7 [Suspended in Part]

2. In § 1137.7(b), for the months of September 1992 through February 1993.

In the second sentence of § 1137.7(b), the words "plant which has qualified as a" and the words "of March through August"; and

§ 1137.12 [Suspended in Part]

3. In § 1137.12(a)(1), for the months of September 1992 through August 1993:

In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and in the second sentence "30% in the months of March, April, May, June, July, and December and 20 percent in other months of", as well as the word "distributing".

Dated: September 29, 1992.

L.P. Massaro,

Acting Administrator.

[FR Doc. 92-23958 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION
10 CFR Parts 30 and 35

RIN 3150-AE23

Departures From Manufacturer's Instructions; Elimination of Recordkeeping Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to eliminate certain recordkeeping requirements related to the preparation and use of radiopharmaceuticals. Specifically, this rule eliminates recordkeeping requirements related to the justification for and a precise description of the departure, and the number of departures from the Food and Drug Administration (FDA) approved manufacturer's instructions. Both the NRC and the FDA staffs agree that the major trends in departures that may be identified by this recordkeeping are already discernible and collecting additional data is unnecessary.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Samuel Z. Jones, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3738.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1989 (54 FR 38239), the NRC published in the **Federal Register** a notice of receipt of a petition for rulemaking (PRM-35-9) from the American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM). The ACNP and SNM requested, among other things, that the NRC amend its regulations in 10 CFR part 35, "Medical Use of Byproduct Material," to recognize their appropriate practice of medicine and to allow: (1) Departures from the manufacturer's instructions for preparing diagnostic radiopharmaceuticals and (2) the use of radiopharmaceuticals for therapeutic indications and methods of administration not included in the FDA approved package insert.

On August 23, 1990 (55 FR 34513), the NRC published in the **Federal Register** an Interim Final Rule granting the petition, in part, to specifically allow departures from the manufacturer's instructions for preparing diagnostic radiopharmaceuticals using generators and reagent kits for which the FDA has approved a New Drug Application (NDA). The Interim Final Rule also included recordkeeping requirements for the specific nature of the departure, a brief statement of the reasons for the departure, and the number of departures. The Interim Final Rule is effective through August 23, 1993. This action was taken after consulting with the FDA and with the intention that the provision might become permanent after further experience had been gained under the new provision, including an assessment of licensee documentation of departures. The NRC's original intent was to examine this documentation and make it available to the FDA and to consult with the FDA prior to any decision regarding either revision or continuation of the Interim Final Rule or making it permanent. The NRC staff has recently consulted with the FDA staff on the documentation collected to date.

Based on this documentation, the NRC and FDA staffs concluded that the major trends in departures are already clear and that collecting additional data would not be expected to reveal any significant new information. On June 11, 1992 (57 FR 24763), the NRC published a proposed rule in the **Federal Register** that suggested amendments to 10 CFR parts 30 and 35 to eliminate recordkeeping requirements involving the justification for and a precise description of the departure and the number of departures from the FDA approved manufacturer's instructions. The FDA staff had no objection to eliminating these recordkeeping

requirements. The issue of whether departures, as set out in the Interim Final Rule, should be allowed on a permanent basis is currently under consideration by the NRC as part of its effort to resolve PRM-35-9.

Public Comments and NRC's Responses

The NRC received nine comment letters in response to the proposed rule. In terms of the types of organizations, there were three comment letters from hospitals and clinics, two from professional associations, and one each from an Agreement State, a pharmacy, a Federal agency, and an individual member of the public. Eight of the letters supported the proposed amendments and one letter opposed the rule.

Brief descriptions of the issues raised in public comment letters and NRC's responses to these issues are presented in the following paragraphs.

1. *Comment.* A commenter suggested that the NRC allow the disposition of records of departures generated under the Interim Final Rule after 3 years (instead of 5 years as specified in the Interim Final Rule) because the records have apparently served their purpose.

Response. The NRC agrees that the records have served their purpose and additional retention of these records is not necessary. This rule eliminates the retention period for these records. Thus, as of the effective date of this rule, licensees are no longer required to keep records of departures carried out under the Interim Final Rule.

2. *Comment.* A commenter suggested the termination of the remainder of the Interim Final Rule in favor of the provisions detailed in the ACNP-SNM Petition (PRM-35-9).

Response. The NRC is currently considering all issues raised in the ACNP-SNM Petition. NRC consideration includes the continuation of departures as set out in the Interim Final Rule. However, at this time the NRC is limiting this rulemaking to the recordkeeping requirements and has determined not to expand this rulemaking to include the termination of the remainder of the Interim Final Rule. That subject, the termination of the remainder of Interim Final Rule, will be covered when the NRC has completed its consideration of the ACNP/SNM petition.

3. *Comment.* A commenter noted a typographical error in the text of § 35.200 of the proposed rule which indicated paragraph (i) instead of paragraph (c).

Response. This typographical error has been corrected.

4. *Comment.* A commenter suggested that if there are no public health and safety issues identified, the authorization to deviate should not expire on August 23, 1993.

Response. The purpose of this rule is to provide relief to licensees concerning the recordkeeping burden related to the requirements in the Interim Final Rule. Therefore, the effective period of this rule was intentionally used to be consistent with the effective period of the Interim Final Rule.

The NRC anticipates that the ACNP-SNM petition (PRM-35-9), including the issues associated with the Interim final Rule, will be resolved prior to August 23, 1993.

5. *Comment.* A commenter opposed this rule. The commenter provided the following rationale:

(a) While reduction of regulatory burden may be a worthy goal, the legislative mandate to protect public health and safety must take precedence over an administrative goal;

(b) The modification in this rule would invite and promote an attitude or climate which resulted in the Three Mile Island accident, and thus, would present a danger to the health and safety of the public; and

(c) The NRC's rationale for this rule contradicts a statement made by the NRC, in a Federal Register notice announcing a public workshop (57 FR 27711; June 22, 1992), that some medical use licensees have administered byproduct material to patients who are pregnant or breast-feeding without knowing the patient's pregnancy or breast-feeding status.

Response. With respect to the first point, the elimination of the recordkeeping requirements addressed in this rule will not compromise public health and safety because this rule continues the requirement that departures may only be made by following the directions of an authorized user physician. Therefore, since there is no reduction in the protection of the public health and safety, the NRC continues to meet its legislative mandate. With respect to the second point, licensees must continue to comply with all applicable regulatory requirements and will continue to be subject to the same inspection and enforcement efforts. Therefore, the NRC believes that licensees' attitudes will not be negatively affected by this rule, and thus will not present a danger to the health and safety of the public.

Concerning the statement made in the public workshop notice as related to the rationale for this rule, the NRC views these two regulatory issues as separate matters. The rationale for this rule is to

eliminate a regulatory burden that is no longer needed. The NRC has collected data specific to licensees' departures from manufacturer's instructions. The NRC and FDA staffs have concluded that the major trends in departures are already clear and that collecting additional data would not be expected to reveal any significantly new information. This rule is not connected to the issue concerning inadvertent radiation exposures to an embryo, fetus, or breast-feeding infant. In particular, the NRC has not stated that departures from manufacturer's instructions have led to an unintended radiation exposure to an embryo, fetus, or breast-feeding infant. Also, the NRC staff is not aware of any cases involving an unintended radiation exposure to an embryo, fetus, or breast-feeding infant that has been caused by a licensee departing from a manufacturer's instructions. Therefore, the NRC sees no contradiction between the rationale for this rule and the statement made in the public workshop notice.

The issue regarding unintended radiation exposures to an embryo, fetus, or breast-feeding infant from medical use of byproduct material is currently under study by the NRC to determine whether any regulatory action is necessary.

Discussion of the Final Rule Text

Based on public comments and NRC's responses discussed above, no substantive changes to the final rule are necessary. Thus, the text of the final rule remains the same as the text of the proposed rule with the exception that a typographical error in the proposed rule, in § 35.200 paragraph (i), has been correctly identified as paragraph (c).

Environmental Impact: Categorical Exclusion

The NRC has determined that this final regulation is the type of action described in categorical exclusion 10 CFR 51.22(c)(3)(ii). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act

This final rule eliminates information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The reduction in information collection requirements was approved by the Office of Management and Budget under approval numbers 3150-0010 and 3150-0017.

The public reporting burden for this collection of information is estimated to be reduced by .05 hour per response, including the time for reviewing

instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0010 and 3150-0017), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

In August 1990, the NRC implemented an Interim Final Rule allowing licensees to depart from the manufacturer's instructions for preparing diagnostic radiopharmaceuticals, and to depart from the package insert instructions regarding use of radiopharmaceuticals for therapy, provided that certain conditions were met. One of the conditions was for licensees to maintain records of such departures.

On June 11, 1992, the NRC published in the Federal Register a proposed rule that would delete these recordkeeping requirements (57 FR 24763). Nine comment letters were received, eight supported and one opposed this rule.

The only alternative to this action is to continue to keep these records. However, the NRC and FDA staffs have concluded that the major trends in departures are already clear and that collecting additional data would not be expected to reveal any significant new information. Therefore, the NRC believes that these recordkeeping requirements are no longer necessary.

The estimated reduction in annual burden would be approximately 1000 hours for NRC licensees. The NRC concludes that this action is justified due to the net annual savings to NRC licensees and because eliminating these recordkeeping requirements would not affect public health and safety.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule would affect medical use licensees including some private practice physicians. Some of these licensees would be considered small entities under the NRC's size standards (56 FR 56672; November 6, 1991). This rule eliminates recordkeeping requirements that the NRC and FDA staffs agree are no longer necessary.

This action will reduce the regulatory burden on medical use licensees, including some small entities.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this rule, and therefore, a backfit analysis is not required for this rule, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

CFR Part 30

Byproduct material, Criminal penalty, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

CFR Part 35

Byproduct material, Criminal penalty, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 30 and 35.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); § 30.3, 30.10, 30.34(b), (c), (f), (g) and (i), 30.41 (a) and (c), and 30.53 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 30.10 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 30.6, 30.9, 30.34(g), 30.36, 30.50 30.51, 30.52, 30.55, and 30.56(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 30.34, paragraph (i) is revised to read as follows:

§ 30.34 Terms and conditions of licenses.

* * * * *

(i)(1) From August 23, 1990, to August 23, 1993, each licensee eluting generators and processing radioactive material with diagnostic reagent kits for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), may depart from the manufacturer's elution and preparation instructions (for radiopharmaceuticals authorized for use pursuant to 10 CFR 35.200), provided that the licensee follows the directions of an authorized user physician.

(2) The actions authorized in paragraph (i)(1) of this section are permitted in spite of more restrictive language in license conditions.

(3) Nothing in this section relieves the licensee from complying with other applicable NRC, FDA, and other Federal or State regulations.

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

3. The authority citation for part 35 is revised to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.11, 35.13, 35.20(a) and (b), 35.21(a) and (b), 35.22, 35.23, 35.25, 35.27(a), (b) and (d), 35.31(a), 35.32(a), 35.49, 35.50(a)-(d), 35.51(a)-(c), 35.53(a)-(b), 35.59(a)-(c), (e)(1), (g), and (h), 35.60, 35.61, 35.70(a)-(f), 35.75, 35.80(a)-(e), 35.90, 35.92(a), 35.120, 35.200(b) and (c), 35.204(a) and (b), 35.205, 35.220, 35.300, 35.310(a), 35.315, 35.320, 35.400, 35.404(a), 35.406(a) and (c), 35.410(a), 35.415, 35.420, 35.500, 35.520, 35.605, 35.606, 35.610(a) and (b), 35.615, 35.620, 35.630(a) and (b), 35.632(a)-(f), 35.634(a)-(e), 35.636(a) and (b), 35.641(a) and (b), 35.643(a) and (b), 35.645(a) and (b), 35.900, 35.910, 35.920, 35.930, 35.932, 35.934, 35.940, 35.941, 35.950, 35.960, 35.961, 35.970, and 35.971 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14, 35.21(b), 35.22(b), 35.23(b), 35.27(a) and (c), 35.29(b), 35.32(b)-(f), 35.33(a)-(b), 35.36(b), 35.50(e), 35.51(d), 35.53(c), 35.59(d), (e)(2), (g), and (i), 35.70(g), 35.80(f), 35.92(b), 35.204(c), 35.310(b), 35.315(b), 35.404(b), 35.406(b) and (d), 35.410(b), 35.415(b), 35.610(c), 35.615(d)(4), 35.630(c), 35.632(g), 35.634(f), 35.636(c), 35.641(c), 35.643(c), 35.645, and 35.647(c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 35.200, paragraph (c) is revised to read as follows:

§ 35.200 Use of radiopharmaceuticals, generators, and reagent kits for imaging and localization studies.

* * * * *

(c)(1) From August 23, 1990, to August 23, 1993, a licensee may depart from the manufacturer's instructions for eluting

generators and preparing reagent kits for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), by following the directions of an authorized user physician.

(2) Nothing in this section relieves the licensee from complying with other applicable NRC, FDA, and other Federal or State regulations.

5. In § 35.300, paragraph (b) is revised to read as follows:

§ 35.300 Use of radiopharmaceuticals for therapy.

* * * * *

(b)(1) From August 23, 1990, to August 23, 1993, a licensee may depart from the package insert instructions regarding indications or method of administration for a radiopharmaceutical for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), provided that the authorized user physician has prepared a written directive as required by § 35.32(a).

(2) Nothing in this section relieves the licensee from complying with other applicable NRC, FDA, and other Federal or State regulations.

Dated at Rockville, Maryland, this 17th day of September 1992.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 92-23933 Filed 10-1-92; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8441]

RIN 1545-AQ95

Bank Bad Debts, Conclusive Presumption

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations that clarify the scope of the express determination that is required under § 1.166-2(d)(3) in order for a bank to elect to use a method of accounting that conforms tax accounting for bad debts to regulatory accounting by providing a conclusive presumption of worthlessness for debts charged off for regulatory purposes. The temporary regulations affect banks that have made or intend to make an election under § 1.166-2(d)(3). The text of the

temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the proposed rules section of this issue of the Federal Register.

DATES: These temporary regulations are effective October 1, 1992 and apply to taxable years ending on or after December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Bernita L. Thigpen, 202-622-4016 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Under § 1.166-2(d)(3), a bank may elect to use a method of accounting that allows the bank to conform its tax accounting for bad debts with its regulatory accounting (the "conformity election"), and thereby deduct for tax purposes those debts that are classified as loss assets and charged off for regulatory purposes. Generally, pursuant to § 1.166-2(d)(3)(iii)(D), the election is effective only if the bank's supervisory authority (as defined in that section) expressly determines that the bank maintains and applies loan review and loss classification standards that are consistent with those standards of the supervisory authority. Pursuant to Rev. Proc. 92-18, 1992-10 I.R.B. 24, the express determination is in the form of a uniform letter that is provided to banks by the supervisory authorities.

To afford the supervisory authorities time to develop and disseminate procedures for issuing express determination letters, § 1.166-2(d)(3)(iii)(E) of the regulations provides a transition rule which allows a bank to make the conformity election prior to its first examination in which it could obtain an express determination letter. If, in the first such examination, the bank does not obtain an express determination letter, pursuant to § 1.166-2(d)(3)(iv), the bank's conformity election is revoked automatically effective beginning with the taxable year of the election.

Explanation of Provisions

The requirement that a bank's supervisory authority expressly determined that the bank maintains and applies loan review and loss classification standards consistent with regulatory standards was intended to ensure that the bank properly identifies, classifies, and charges off debts that become loss assets for regulatory purposes. After the final regulations were published, concerns were raised that a supervisory authority's express determination could be interpreted as

exceeding the intended scope of the express determination by, for example, indicating regulatory approval of the adequacy of a bank's general allowances for loan and lease losses notwithstanding the explicit language to the contrary in the express determination letter. To alleviate these concerns, § 1.166-2(d)(3) is being amended to require that a bank's supervisory authority expressly determine that the bank maintains and applies "loan loss classification" standards, rather than "loan review and loss classification standards" that are consistent with regulatory standards. See § 1.166-2T(d)(3)(iii)(D). The revised language does not alter the intended scope of the express determination requirement.

In addition, because the supervisory authorities may have conducted a number of examinations relating to a bank's loan review process after December 31, 1991, and may not have issued express determination letters, under the regulations any examined bank that made the conformity election for the 1991 taxable year may have its election automatically revoked. Accordingly, the transition rules in § 1.166-2(d)(3) are being amended to allow a bank to make the conformity election without an express determination letter until its first examination (involving the loan review process) that is after the date of these amendments. See § 1.166-2T(d)(3)(iii)(E) and (d)(3)(iv)(C)(2).

Need for Temporary Regulations

The provisions contained in this Treasury decision are needed immediately to afford banks the benefits of the conformity rules in § 1.166-2(d)(3). The provisions merely clarify what was initially intended by the regulations and, although not substantive in nature, change the content of the express determination that is required for a valid conformity election. In addition, the provisions extend the transitional period to prevent the automatic revocation under § 1.166-2(d)(3)(iv) of any election made by a bank in reliance on the regulations for its 1991 taxable year. Therefore, it is found impracticable and contrary to the public interest to issue this Treasury decision with prior notice under section 553(b) of title 5 of the United States Code.

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, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the 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 & Products), Internal Revenue Service. However, other personnel from the Service and Treasury Department participated in their development.

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

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

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

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.166-2 is amended by revising paragraphs (d)(3)(iii)(D), (d)(3)(iii)(E) and (d)(3)(iv)(C)(2) to read as follows:

§ 1.166-2 Evidence of worthlessness.

- (d) * * *
- (3) * * *
- (iii) * * *
- (D) [Reserved]. See § 1.166-2T(d)(3)(iii)(D).
- (E) [Reserved]. See § 1.166-2T(d)(3)(iii)(E).
- (iv) * * *
- (C) * * *
- (2) [Reserved]. See § 1.166-2T(d)(3)(iv)(C)(2).

Par. 3. Section 1.166-2T is added to read as follows:

§ 1.166-2T Evidence of worthlessness (temporary).

- (a) through (d)(3)(iii)(C) [Reserved].
- (d)(3)(iii)(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 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 October 1, 1992, 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 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) (A) through (C) (1) [Reserved].

(iv)(C)(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 October 1, 1992, 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.

Shirley D. Peterson,
Commissioner of Internal Revenue.

Approved: September 24, 1992.

Alan J. Wilensky,
(Deputy) Assistant Secretary of the Treasury.
[FR Doc. 92-23917 Filed 10-1-92; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1602

Records and Reports; Employer Information Report; Extension of the Filing Deadline

AGENCY: Equal Employment Opportunity Commission.

ACTION: Extension of deadline for filing report.

SUMMARY: Notice is hereby given that the deadline for filing the 1992 Employer Information Report (EEO-1) required by 29 CFR 1602.7 is extended from September 30, 1992 to November 30, 1992. Employment data may be used from any payroll period in the third quarter (July, August, or September) of the current calendar year or for any other period that has been approved by the Commission.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Program Research and Surveys Division at (202) 663-4958 (voice) or (202) 708-9300 (TDD).

For the Commission,

Evans J. Kemp, Jr.,
Chairman.

[FR Doc. 92-23849 Filed 10-1-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD2 92-05]

Special Local Regulations: Tall Stacks 1992 (Ohio River mile 466.0 to mile 474.0); Correction

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; correction.

SUMMARY: This document corrects the temporary final rule (CGD 92-05), published on Monday, August 31, 1992, (57 FR 39359) concerning the mile markers of the event to take place.

EFFECTIVE DATES: 6 a.m. to 2:30 a.m. on October 13 through October 17 and 6 a.m. to midnight October 18, 1992.

FOR FURTHER INFORMATION CONTACT: Ensign D. R. Dean, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832. The telephone number is (314) 539-3971, Fax: (314) 539-2685.

SUPPLEMENTARY INFORMATION: As published, the temporary final rule contains errors which requires correction: In the heading and text, the mile markers listed to describe the perimeter of the event are incorrect. The correct mile markers describing the perimeter of the event are the Ohio River from mile 466.0 to mile 474.0.

Correction

The following corrections are made to temporary final rule (CGD 92-05) which was published in the *Federal Register* on August 31, 1992, (57 FR 39359):

1. On page 39359, in the second column, the subject heading, "Special Local Regulations: Tall Stacks 1992 (Ohio River mile 469.0 to mile 471.0)" is corrected to read "Special Local Regulations: Tall Stacks 1992 (Ohio River mile 466.0 to mile 474.0)".

2. On page 39359, in the second column, in the "SUMMARY" section, "from mile 469.0 to mile 471.0" is corrected to read "from mile 466.0 to mile 474.0."

3. On page 39359, in the third column, in § 100.35-T0205(a) of the "Regulated Area" section, "mile 469.0 to mile 471.0" is corrected to read "from mile 466.0 to mile 474.0."

Dated: September 22, 1992.

J.J. Lantry,

Captain, U.S. Coast Guard, Acting
Commander, Second Coast Guard District.

[FR Doc. 92-23974 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 20

VALUEPOST/CANADA Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service, after considering the comments submitted in response to its request for comments on its proposal to establish a new service for bulk mailings of certain AO mail to Canada, hereby gives notice that it is implementing the new service as proposed. The name of the new service is VALUEPOST/CANADA.

EFFECTIVE DATE: 12:01 a.m., October 18, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Rainer K. Hengst (202) 268-6095.

SUPPLEMENTARY INFORMATION: On May 11, 1992, the Postal Service published in the *Federal Register* a notice proposing the establishment of a new service for

bulk mailings to Canada of regular printed matter, books and sheet music, publishers' periodicals, and small packets (57 FR 20137).¹ The new service would be available from all U.S. post offices to all destinations in Canada. Mail would be conveyed by surface transportation from the United States to Canada, where it would be entered into the Canadian surface mail system for delivery.

The proposed per-item weight limit for the new service was 2 pounds. Two size-based rate categories were proposed. The letter-size rate category included items whose length was less than or equal to 11½ inches, height was less than or equal to 6¼ inches, and thickness was less than or equal to ¼ inch. The flat-size rate category included items not fitting into the letter-size rate category whose length was less than or equal to 15 inches, height was less than or equal to 11½ inches, and thickness was less than or equal to ¾ inch. Items exceeding one or more of the flat-size rate category's maximum dimensions would not be eligible for the new service.

The proposed qualifying minimum for the new service varied depending on whether the mailing contained letter-size items, flat-size items, or a combination of both. A mailing containing only letter-size items would be required to weigh at least 50 pounds to qualify for the service. A mailing containing either only flat-size items or both letter-size and flat-size items would be required to weigh at least 100 pounds to qualify.

The proposal required mailers to sort, sack, and label their mail according to 13 Canadian postal code separations. In addition, the proposal required users to separate their mail by rate category (letter-size or flat-size). Within these two separations, users would be further required to sort, sack, and label their mail according to whether it was subject to the per-piece charge or the piece-plus-pound rate. No residual mail would be allowed in a dispatch, and commingling would not be permitted for mail from different rate categories or for mail subject to different postage rates.

The Postal Service received two comments concerning the new service, one from a large volume lettershop and one from an individual who identified himself only by name. The lettershop commenter maintained that the proposed rates would not be attractive to large mailers located near the U.S.-Canadian border, as those mailers could enter their items directly into the

Canadian mail system and, thus, take advantage of the various presort discounts offered by Canada Post. This commenter suggested that the Postal Service consider taking the following three steps to reduce the proposed service's effective rates: (1) Making certain of Canada Post's presort discounts available to users of the new service; (2) providing users of the new service with a discount for entering their mail at certain U.S. and Canadian cities located near the U.S.-Canadian border; and (3) providing users of the new service with volume discounts for letter mail.

The individual commenter's remarks focused on two other aspects of the new service. First, he requested that payment of postage be permitted by any method that does not require cancellation of stamps. Second, he requested that the proposed rate structure be modified to allow for a savings for flat-size items weighing one ounce or less.

The Postal Service has concluded that none of the four modifications to the proposed rates requested by the commenters is feasible. The rate structure proposed in the May 11 notice was based on a break-point system, with rates including both per-piece and per-pound elements. The letter-size rate category's break-point would be 1 ounce. For letter-size items weighing 1 ounce or less, the proposed postage was 28 cents per piece. For letter-size items weighing over 1 ounce, the proposed rate was 26 cents per piece plus 40 cents per pound. The flat-size rate category's break-point would be 5 ounces. For flat-size items weighing 5 ounces or less, the proposed postage was 53 cents per piece. For flat-size items weighing over 5 ounces, the proposed rate was 30 cents per piece plus \$1.00 per pound.

The proposed rates' discounts from the existing surface AO rates to Canada were premised on cost savings from the extensive worksharing required. The proposed rates also took into account origin-destination mail flows and reflected the overall transportation costs associated with those flows. In addition, the Postal Service sought to establish a relatively simple rate structure accessible to all mailers without regard to location.

At this time, the Postal Service has no means to access worksharing discounts offered by Canada Post. Consequently, the Postal Service is unable to make any of Canada Post's presort discounts available to VALUEPOST/CANADA users. Providing a discount for mail entered at certain U.S. and Canadian cities is similarly impracticable. The Postal Service's not being able to accept

mail outside of the United States precludes discounted Canadian entry. The expectation that most VALUEPOST/CANADA mail will originate near the U.S.-Canadian border, together with the Postal Service's desire to establish a relatively simple rate structure, likewise militates against a discount for entry at specific U.S. cities.

The Postal Service believes that volume discounts are also insupportable. The new service was designed as a bulk service with substantial qualifying minimums. The extensive worksharing required of users was intended to minimize the Postal Service's processing and handling costs. The Postal Service would not realize significant additional cost savings if mailings contained more items than required to qualify for the service. As higher volumes would not lower the Postal Service's costs to an appreciable extent, they do not provide the basis for a discount.

The fourth requested rate-related modification concerned the proposed rate for flat-size items weighing one ounce or less. Although the commenter failed to explain his concern, it is likely that he was reacting to the fact that the proposed rate for one-ounce flats (53 cents) was greater than the existing one-ounce surface AO rate to Canada (36 cents for regular printed matter). This situation resulted from the way in which the Postal Service established the proposed rates. The Postal Service disaggregated the costs associated with letter-size pieces from the higher costs associated with flat-size pieces. Consequently, for a small number of weight steps, including one-ounce flats, mailers would have access to more advantageous rates by using the Postal Service's existing services to Canada. However, the Postal Service believes that the proposed rates would provide significant savings to the vast majority of mailers able to qualify and to meet the worksharing requirements.

In light of the foregoing, the Postal Service is implementing the rate structure as proposed. The rates being implemented are shown below.

As mentioned above, the individual commenter also requested that payment of postage be permitted by any method that does not require cancellation of stamps. The May 11 notice required that postage be paid by postage meter for non-identical weight items and by permit imprint or postage meter for identical weight items. The notice also stated that mailers would be permitted to use permit imprint for non-identical weight items if authorized to participate in the postage payment programs

¹ This includes all types of AO mail except matter for the blind.

described in Domestic Mail Manual (DMM) sections 145.7, Manifest Mailing System (MMS); 145.8, Optional Procedure (OP) Mailing System; or 145.9, Alternate Mailing Systems (AMS).

The Postal Service agrees with the commenter that mailers should have as much flexibility as practicable when paying postage. Therefore, in addition to implementing the proposed postage payment methods, the Postal Service will also allow VALUEPOST/CANADA users to precancel adhesive postage stamps when authorized by the Postal Service under the conditions in DMM 143.2.

The Postal Service did not receive comments on any other aspect of the new service. Consequently, with one exception, the mailing conditions being implemented for VALUEPOST/CANADA service are the same as those proposed in the May 11 notice and summarized above. The single change involves the use of Canadian postal codes for items sent in this service. In the interest of improving service quality, the Postal Service is now requiring that mailers include the Canadian postal code in the address on all VALUEPOST/CANADA items. As shown below, the sortation requirements set forth in the May 11 notice have been modified to reflect this change.

In setting international postage rates, the Postal Service must ensure that such rates (1) do not apportion the costs of the service so as to impair the overall value of the service to the users; (2) apportion the costs of all postal operations to all users on a fair and equitable basis; (3) are fair and reasonable; and (4) are not unduly or unreasonably discriminatory or preferential. The VALUEPOST/CANADA rates announced herein satisfy these criteria.

Accordingly, the Postal Service has determined to implement VALUE/CANADA service. This service will begin at 12:01 a.m., on October 18, 1992.

The Postal Service adopts the following amendments to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Chapter 2 of the International Mail Manual is amended by incorporating parts 247, 248, and 249 into part 246 and adding a new part 247 as follows:

CHAPTER 2—CONDITIONS FOR MAILING

* * * * *

247 VALUEPOST/CANADA

247.1 General

247.11 Description. This service is a bulk service for regular printed matter, books and sheet music, publishers' periodicals, and small packets. Rates are generally less than the single-piece rates for these classifications. The mailer must sort and prepare mail as described in this part.

247.12 Qualifying Mailings. To qualify, a mailing must consist of at least 50 pounds of letter-size items or at least 100 pounds of flat-size items. Mailings containing both letter-size and flat-size items must weigh at least 100 pounds.

247.13 Addressing. All items must be addressed in accordance with 122 and the Canadian postal code must be included as part of the address. Mailers wishing to order a Canadian Postal Code Directory should write to the following address to obtain an order form:

Canada Post Corporation
Head Sales and Customer Service
Ottawa, Ontario K1A 0B1
Canada

Mailers requiring postal code information on computer tape or information regarding Canadian mailing standards should write to the following address:

Canada Post Corporation
Postal Code Management
Sir Alexander Campbell Building Annex
C Station 321
Ottawa, Ontario K1A 0B1
Canada

or telephone (613) 993-1784. This telephone number is not intended as an information source to obtain the code for a single Canadian address.

247.14 Makeup Requirements. All items must be prepared as required in 244.4 for printed matter, and 264 for small packets.

247.15 Where to Mail. The postmaster will designate the acceptance points for this service. Although there is no drop shipment rate for this service, mailers may be authorized a plant-verified drop shipment postage payment system as provided in DMM 664. Plant loading may be authorized as provided in DMM 154.

247.16 Special Services Not Available. The special services described in IMM Chapter 3 are not available for items mailed using this service.

247.17 Return to Sender. Printed matter is generally not returned to the sender if undeliverable (see 244.23). Return addresses in a country other than the U.S. are not usually permitted (see 122.2). If the mailer wishes to have items returned if undeliverable, the items must be endorsed "Return Requested." Return charges are collected as provided in 781.5.

247.18 Enclosures in Printed Matter Items. Printed matter sent to Canada may contain as an enclosure a card, envelope, or wrapper bearing the printed address of the sender or the sender's agent in either the U.S. or Canada.

247.19 Customer Identification Number. Customers not authorized a permit imprint must be assigned, by their post office, a customer identification number. This number must be 6 digits and must not be the same as any permit number issued by that post office. Use the International Surface Air Lift (add a leading zero) or International Priority Airmail customer ID number if one has been issued to the mailer. This number must be entered on the Form 3651-C.

247.2 Size and Weight Limits

247.21 Size Limits. All items sent in this service must meet the size requirements for either letter-size or flat-size items. Items not meeting either of these requirements may not be mailed using this service. The following size limits apply:

a. Letter-Size

- (1) Minimum
Height—3-½"
Length—5-½"
Thickness—.007"
- (2) Maximum
Height—6-⅛"
Length—11-½"
Thickness—¼"

b. Flat-Size. Items exceeding at least one of the maximum size limits for letter-size items, but not exceeding the following dimensions, are acceptable at the rate for flat-size items:

- Height—11-½"
Length—15"
Thickness—¾"

247.22 Weight Limits. Individual items may not weigh more than 2 pounds.

247.3 Postage

247.31 Rates

Weight	Rate
Letter-size:	
1 ounce or less.....	28 cents per piece.
Over 1 ounce.....	26 cents per piece plus 40 cents per pound or fraction of a pound.
Flat-size:	
5 ounces or less.....	53 cents per piece.
Over 5 ounces.....	30 cents per piece plus \$1.00 per pound ¹ or fraction of a pound.

247.32 Postage Payment Methods

247.321 Permit Imprint. Mailers may use permit imprint only with mailings consisting of identical weight pieces. Mailers may be authorized to use permit imprint on mailings of non-identical weight items if authorized specific procedures under one of the special postage payment programs in DMM 145.7, 145.8, or 145.9.

247.322 Postage Meter. Mailings of non-identical weight pieces must bear the appropriate piece rate by postage meter impression. Items in each rate category must be sacked separately and presented by rate category.

247.323 Precancellation by Mailer. Mailers may precancel adhesive postage stamps when authorized by the Postal Service under the conditions in DMM 143.2.

247.324 Mailing Statement. Postage is computed on Form 3851-C, *Statement of Mailing—VALUEPOST/CANADA*, which must be completed for each mailing and must be presented at the time of mailing.

247.4 Preparation Requirements

247.41 Endorsements. All items must bear the endorsement "Printed Matter"

or "Small Pocket," as appropriate. Publishers' periodicals mailed in this service may bear the endorsements in 244.21d. If the sender wants undeliverable printed matter returned, the item must be endorsed "Return Requested." All items must also be endorsed "Bulk Rate." For items paid by meter, this endorsement may be in either the ad plate area or the postal inscription (slug) area. If a permit imprint is used, the imprint may include the bulk rate endorsement. See DMM Exhibit 145.41c for examples. The imprint may not contain reference to domestic rates such as carrier route sort, ZIP+4, five-digit ZIP+4, ZIP+4 barcoded, or nonprofit organization.

247.42 Customs Declarations. Items in this service may require the use of either Form 2976, *Customs-Douane C1*, or Form 2976-A, *Customs Declaration*. See 123.1 for information on the use of customs forms.

247.43 Sortation Requirements

247.431 Facing and Bundling. All mail must be bundled according to the Canadian province of destination as shown in Exhibit 247.431. Letter-size and flat-size items must be bundled separately. Items not within the same rate category may not be commingled. For example, letter-size items under and over 1 ounce may not be bundled or sacked together. Bundles should be approximately 4 to 6 inches thick and must be banded around the length and girth. All bundles must bear a facing slip showing the Canadian province of destination and the first letter(s) of the postal code(s) included in the bundle. For example, a bundle containing mail for Manitoba with a postal code beginning with "R" will have the following facing slip.

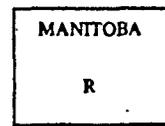


Exhibit 247.431 shows Canadian provinces and the postal code letters.

247.432 Sacks. Gray disposable international sacks must be used. All bundles must be placed in sacks labeled to the destinations shown in Exhibit 247.431. For example, all bundles for Manitoba must be placed in a sack labeled to Winnipeg MB FWD. Items in different rate categories may not be placed in the same sack. For example, flat-size items weighing under and over 5 ounces must be sacked separately. There is no minimum weight per sack. Sacks may not weigh more than 66 pounds (contents and sack).

247.433 Sack Labels

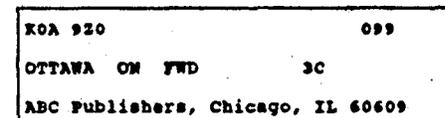
a. Format. Use blue sack labels completed using the following format:

Line 1: Six digit Canadian postal code (left justified). U.S. routing code (right justified).

Line 2: Destination office in Canada and contents.

Line 3: Mailer, Mailer Location.

Example:



b. Obtaining Labels. Instructions for ordering labels are contained in Handbook PO-423, *Requisitioning Labels*. Alternatively, mailers may preprint them. The labels must be blue in color, similar to those used by the Postal Service.

EXHIBIT 247.431.—CANADIAN SORTATION SCHEME

CANADIAN PROVINCE/TERRITORY	CANADIAN POSTAL CODE	SACK LABEL
Newfoundland Nova Scotia.....	A.....	BOJ 920 044 Halifax NS Fwd Mailer, Mailer Location.
Prince Edward Is. New Brunswick.....	B.....	
	C.....	E0G 920 044 St John NB Fwd Mailer, Mailer Location.
	E.....	
Quebec.....	G, H, J.....	H0A 920 099 Montreal PQ Fwd Mailer, Mailer Location.
Ontario.....	K.....	K0A 920 099 Ottawa ON Fwd Mailer, Mailer Location.
Ontario.....	L, M, P.....	L4W T20 140 Toronto BMF ON Fwd Mailer, Mailer Location.
Ontario.....	N.....	N0L 920 48399 London ON Fwd Mailer, Mailer Location.
Manitoba.....	R.....	R0C 920 568 Winnipeg MB Fwd Mailer, Mailer Location.
Saskatchewan.....	S.....	S0G 920 568 Regina SK Fwd Mailer, Mailer Location.
Alberta.....	T0C, T0J, T0K, T0L, T0M, T0S, T1-T4.	T0S 920 568 Calgary AB Fwd Mailer, Mailer Location.
Alberta ¹	All other "T" Codes.....	TON 920 568 Edmonton AB Fwd Mailer, Mailer Location.
British Columbia ²	W.....	V0T 920 98001 Vancouver BC Fwd.
Northwest Territories ¹	X.....	TON 920 568 Edmonton AB Fwd Mailer, Mailer Location.
Yukon Territory ²	Y.....	V0T 920 98001 Vancouver BC Fwd Mailer, Mailer Location.

¹ Alberta and Northwest Territories should be combined in the same sack if there is less than 11 pounds to either destination.

² British Columbia and Yukon Territory should be combined in the same sack if there is less than 11 pounds to either destination.

A transmittal letter making these changes in the pages of the International Mail Manual will be published and transmitted to subscribers automatically. Meanwhile, these changes will be published in the Postal Bulletin. See 39 CFR 20.3(c). Notice of issuance of the IMM transmittal letter will be published in the *Federal Register* as provided by 39 CFR 20.3.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-23908 Filed 10-1-92; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4516-7]

Rhode Island; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Rhode Island has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Rhode Island's application and has made a decision, subject to public review and comment, that Rhode Island's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Rhode Island's hazardous waste program revision. Rhode Island's application for program revision is available for public review and comment.

DATES: Final authorization for Rhode Island shall be effective December 1, 1992 unless EPA publishes a prior *Federal Register* action withdrawing this immediate final rule. All comments on Rhode Island's program revision application must be received by the close of business November 2, 1992.

ADDRESSES: Copies of Rhode Island's program revision application are available for inspection and copying, 8:30am-4:00 pm Monday-Friday at the following addresses: Rhode Island Department of Environmental Management, Division of Air & Hazardous Materials, 291 Promenade Street, Providence, Rhode Island 02908-5767, Phone: 401/277-2797; U.S. EPA Region I Library, One Congress Street,

11th Floor, Boston, Massachusetts 02203, Phone: 617/565-3300. Written comments should be sent to Betsy Davis, at the address below.

FOR FURTHER INFORMATION CONTACT: Betsy Davis, MA & RI Waste Regulation Section, U.S. EPA Region I, HRR-CAN3, JFK Federal Building, Boston, Massachusetts 02203, Phone: 617/573-5722.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. Rhode Island

Rhode Island initially received final authorization on January 31, 1986 (51 FR 3780, January 30, 1986) to implement its base hazardous waste program. Rhode Island received final authorization for revisions to its program on March 26, 1990 (55 FR 9128, March 12, 1990) and May 5, 1992, (57 FR 8089, March 6, 1992) to implement the program revisions listed in the *Federal Register* notices published March 12, 1990 and March 6, 1992, respectively. On November 28, 1988, Rhode Island submitted a draft program revision application for federal requirements promulgated on September 9, 1987, April 22, 1988, and from July 1, 1986 to June 30, 1987, except that approval was not requested for revisions which are required as a result of the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA"). Today, Rhode Island is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Rhode Island's application, and has made an immediate final decision that Rhode Island's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the modifications to the Rhode Island program subject to further review based on adverse public comment. The public

may submit written comments on EPA's immediate final decision up until November 2, 1992. Copies of Rhode Island's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Rhode Island's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

The Rhode Island program revision application is based on changes to State Regulations which were intended to make them equivalent to the analogous Federal Regulations which had been promulgated during the July 1, 1986 to June 30, 1987 period, and September 9, 1987, and April 22, 1988, in 40 CFR parts 260, 261, 264, 265 and 270. These changes did not include any provisions which were required as a result of the Hazardous and Solid Waste Amendments 1984 (HSWA) and radioactive mixed waste. Specific provisions which are included in the Rhode Island program revision authorization made today are listed in Table 1 below.

TABLE 1.—PROVISIONS COVERED BY THIS PROGRAM REVISION AUTHORIZATION

Federal requirement	State authority
Liability Coverage 51 FR 25350-25356, July 11, 1986.	Rules 9.17, 7.01(E).
Standards for Hazardous Waste Storage and Treatment Tank Systems 51 FR 25470-25488, July 14, 1986.	Rules 3.100, 3.25, 5.02, 9.05, 9.12, 9.16, 9.17, 9.19, 8.04(K), 8.04(F), 8.04(V), 7.06(D).
Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents 51 FR 28296-28310, August 6, 1986.	Rule 3.25.
Revised Manual SW-846; Amended Incorporation by Reference 52 FR 8072-8073, March 16, 1987.	Rule 3.25.
Closure/Post-Closure Care for Interim Status Surface Impoundments 52 FR 8704-8709, March 19, 1987.	Rule 7.01(E).
Definition of Solid Waste Technical Corrections 52 FR 21306-21307, June 5, 1987.	Rule 3.25.

TABLE 1.—PROVISIONS COVERED BY THIS PROGRAM REVISION AUTHORIZATION—Continued

Federal requirement	State authority
Amendments to Part B Information Requirements for Disposal Facilities 52 FR 23447-23450, June 22, 1987 as amended 52 FR 33936, September 9, 1987.	Rule 8.01(G).
Technical Corrections; Identification and Listing of Hazardous Waste 53 FR 13382-13393, April 22, 1988.	Rule 3.25.

Rhode Island agrees to review all state hazardous waste permits which have been issued under state law prior to the effective date of this authorization. Rhode Island agrees to then modify, revoke and reissue, or reissue such permits as necessary to require compliance with the amended state program when the permit expires. The modification, revocation and reissuance, or reissuance will be scheduled in the State Grant Workplan, if necessary.

Rhode Island is not seeking authorization to operate on Indian lands.

C. Decision

I conclude that Rhode Island's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Rhode Island is granted final authorization to operate its hazardous waste program as revised.

Rhode Island now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application and previously approved authorization, subject to the limitations of the HSWA. Rhode Island also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This

authorization effectively suspends the applicability of certain Federal regulations in favor of Rhode Island's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 25, 1992.

Patricia L. Meaney,

Acting Regional Administrator.

[FR Doc. 92-23954 Filed 10-1-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 272

[FRL-4125-1]

Hazardous Waste Management Program; Codification of Approved State Hazardous Waste Program for Illinois

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the United States Environmental Protection Agency (EPA) may grant Final Authorization to States to operate their hazardous waste management programs in lieu of the Federal program. EPA uses part 272 of title 40 of the Code of Federal Regulations (40 CFR part 272) to codify its authorization of State programs and to incorporate by reference those provisions of State statutes and regulations that EPA will enforce under RCRA section 3008. Thus, EPA intends to codify the Illinois authorized State program in 40 CFR part 272. The purpose of this Federal Register (FR) is incorporation by reference of EPA's approval of recent revisions to Illinois' program.

DATES: Codification of Illinois' revised authorization hazardous waste program shall be effective December 1, 1992, unless EPA publishes a prior FR action withdrawing this immediate final rule.

All comments on Illinois' codification must be received by the close of business November 2, 1992. The incorporation of certain publications listed in the regulations is approved by the Director of the FR as of December 1, 1992.

ADDRESSES: Written comments should be sent to Gary Westefer, Illinois Regulatory Specialist, Office of RCRA, U.S. EPA Region V, 77 West Jackson Boulevard, HRM-7J, Chicago, Illinois 60604, (312) 886-7450, (FTS: 312/886-7450).

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Illinois Regulatory Specialist, Office of RCRA, U.S. EPA Region V, 77 West Jackson Boulevard, HRM-7J, Chicago, Illinois 60604, (312) 886-7450, (FTS: 312/-886-7450).

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1989, and January 31, 1992, EPA published notices in the FR of its decisions to incorporate by reference Illinois' then authorized hazardous waste program (see 54 FR 37649 and 57 FR 3722). Since then, EPA has granted authorization to Illinois for additional revisions to the State hazardous waste program 56 FR 13595 (April 13, 1991). In this notice, EPA is incorporating the currently authorized State hazardous waste program in Illinois.

EPA codifies its approval of State programs in 40 CFR part 272, and incorporates by reference therein the State statutes and regulations that EPA will enforce under section 3008 of RCRA. This effort will provide clear notice to the public of the scope of the authorized program in Illinois.

Revisions to Illinois' and other State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. The codification of Illinois' authorized program in subpart 0 of part 272 is intended to enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. For a fuller explanation of EPA's codification of Illinois' authorized hazardous waste program, see 54 FR 37649 (September 12, 1989) and 56 FR 13595 (April 3, 1991).

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. It intends to codify the decision

already made to authorize Illinois' program and has no separate effect on handlers of hazardous waste in the State or upon small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Compliance With Executive Order 12291

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

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 272

Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

William H. Sanders III,
Acting Regional Administrator.

For the reasons set forth in the preamble, 40 CFR part 272 is amended as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

1. The authority citation for part 272 continues to read as follows:

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6912(a), 6926, and 6974(b).

2. Section 272.700 is amended by revising paragraphs (a) and (b) to read as follows:

§ 272.700 State authorization.

(a) The State of Illinois is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6921 *et seq.* subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (Public Law 98-616, November 8, 1984), 42 U.S.C. 6926 (c) and (g). The Federal program for which a State may receive authorization is defined in 40 CFR Part 271. The State's base program and revisions to that program, as administered by the Illinois

Environmental Protection Agency, were approved by EPA pursuant to 42 U.S.C. 6926(b) and 40 CFR part 271. EPA's approval of Illinois' base program was effective on January 31, 1986. EPA's approval of revisions to Illinois' base program were effective on March 5, 1988, April 30, 1990 and June 3, 1991.

(b) Illinois is authorized to implement only those HSWA requirements addressed in 40 CFR 272.701 and codified herein.

2. Section 272.701 is amended by revising the introductory text of the section, the heading for paragraph (a), paragraphs (a)(1), (a)(2)(ii) introductory text, (b), (c) and (d) to read as follows:

§ 272.701 State administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Illinois has final authorization for the following elements submitted to EPA in Illinois; base program and program revision applications for final authorization and approved by EPA effective on January 31, 1986, March 5, 1988, April 30, 1990 and June 3, 1991.

(a) State Statutes and Regulations.

(1) The following Illinois regulations and statutes are incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*:

(i) Illinois Administrative Code, Title 35, Part 702, Sections 702.101-702.104, 702.110-702.187; Part 703, Sections 703.100-703.126, 703.140-703.246; Part 709, Sections 709.102-709.105, 709.201, 709.301, 709.302, 709.401, 709.501-709.603; Part 720, Sections 720.101-720.122, Part 720 Appendix A; Part 721, Sections 721.101-721.133, Part 721 Appendices A, B, C, G, H, I, J, Z; Part 722, Sections 722.110-722.151, Part 722 Appendix A; Part 723, Sections 723.110-723.131; Part 724, Sections 724.101-724.321, 724.326-724.351, 724.354-724.451, Part 724 Appendices A, D, E; Part 725, Sections 725.101-725.248, 725.270-725.530, Part 725 Appendices, A, C, D, E; Part 726, Sections 726.120-726.180; Part 728; and Part 729, Sections 729.100-729.321; (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

Copies of the Illinois regulations that are incorporated by reference in this paragraph are available from the Secretary of State, Administrative Code Division, 288 Centennial Building, Springfield, Illinois 62756. Copies may be inspected at U.S. EPA headquarters,

401 M Street, SW., Washington, DC, or at the Office of Federal Register, 800 North Capital Street, NW., suite 700, Washington, DC.

(ii) (Reserved)

(2) * * *

(ii) Illinois Administrative Code, Title 35 Part 700, Sections 700.101-700.504; Part 702 Sections 702.105-702.109; Part 705, Section 705.101-705.212; Part 720, Sections 720.140-720.141; and Title 2, Part 1826, Sections 1826.101-1826.503, Section 1826 Appendices A and B. (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA-Region V and the Illinois Environmental Protection Agency, signed by the EPA Regional Administrator on January 26, 1990, is part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statement of Legal Authority.* The Illinois Attorney General's Statements for final authorization signed by the Attorney General of Illinois on June 4, 1985, July 15, 1986, May 26, 1988, and February 23, 1990 are part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description.* Program Descriptions dated July 26, 1985, August 7, 1986, November 29, 1988, and May 18, 1990, and any other materials submitted as part of, or as supplements to, the original application or revision applications are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[FR Doc. 92-23953 Filed 10-1-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6949

[NM-930-4214-10; NMNM 84806]

Withdrawal of National Forest System Land for the Jemez Falls Campground Addition; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 164.60 acres of National Forest System land from mining for 20 years to protect significant improvements associated

with the Forest Service's Jemez Falls Campground Addition. The land has been and remains open to mineral leasing and surface uses authorized by the Forest Service.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Georgiana E. Armijo, BLM New Mexico State Office P.O. Box 27115, Santa Fe, New Mexico 87502-7115, 505-438-7594.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Forest Service's capital investments of the Jemez Falls Campground Addition:

New Mexico Principal Meridian

Santa Fe National Forest

T. 18 N., R. 3 E.,

Sec. 3, lots 5, 6, and 7, E½SE¼NW¼, and E½E¼SW¼;

Sec. 10, NE¼NE¼NW¼.

The area described contains 164.60 acres in Sandoval County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the National Forest System land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: September 21, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92-23881 Filed 10-1-92; 8:45 am]

BILLING CODE 4310-PB-M

FEDERAL COMMUNICATIONS

COMMISSION

47 CFR Part 73

[MM Docket No. 90-176; RM-7053; RM-8040]

Radio Broadcasting Services; Columbia and Arnold, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants reconsideration of two petitions for rule making filed by Eric R. Hilding and Clarke Broadcasting and allots Channel 255A to Columbia, California, as that community's first local FM service at North Latitude 38-02-11, West Longitude 120-24-01. This document also allots Channel 240A to Arnold, California, as that community's second local FM service at North Latitude 38-18-03, West Longitude 120-20-08 with a site restriction 5.2 kilometers (3.2 miles) north. See 56 FR 26367, June 7, 1991. With this action, the proceeding is terminated.

EFFECTIVE DATES: November 12, 1992. The window period for filing applications will open on November 13, 1992, and close on December 14, 1992.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 90-176, adopted August 31, 1992, and released September 28, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California is amended

by adding Channel 255A, Columbia and by adding Channel 240A at Arnold.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-23896 Filed 10-1-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-124; RM-0001]

Radio Broadcasting Services; Dunsmuir, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 261C3 for Channel 261A at Dunsmuir, California, and modifies the permit for Station KRKD (FM) to specify operation on the higher powered channel, as requested by Fatima Response, Inc. See 57 FR 27415, June 19, 1992. Coordinates for Channel 261C3 at Dunsmuir are 41-17-20 and 122-14-25. With this action, the proceeding is terminated.

EFFECTIVE DATE: November 12, 1992.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-124, adopted September 3, 1992, and released September 28, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 261A and adding Channel 261C3 at Dunsmuir.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-23893 Filed 10-1-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-138; RM-7040]

Radio Broadcasting Services; Newnan and Peachtree City, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 244A from Newnan, Georgia, and modifies the construction permit of Station WMKJ(FM) to specify Peachtree City, Georgia, as its community of license, at the request of South Metro Broadcasting Co., Inc. The allotment of Channel 244A to Peachtree City will provide the community with its first local aural transmission service, without depriving Newnan of its aural transmission service, in accordance with § 1.420(i) of the Commission's Rules. See 55 FR 11411, March 28, 1990. Channel 244A can be allotted to Peachtree City in compliance with the Commission's minimum distance separation requirements of the Rules, with a site restriction of 11.8 kilometers (7.3 miles) northwest of the community. The site restriction is necessary to maintain the present short-spacing to Station WKLS(FM), Channel 241C, Atlanta, Georgia. The coordinates for Channel 244A at Peachtree City are North Latitude 33-28-22 and West Longitude 84-42-42. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 12, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-138, adopted August 31, 1992, and released September 28, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., Suite 640, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 244A, Newnan, and adding Channel 244A, Peachtree City.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-23898 Filed 10-1-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-237; RM-7744]

Radio Broadcasting Services; Bayboro, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Atlantic Broadcasting, Inc., substitutes Channel 250C3 for Channel 250A at Bayboro, North Carolina, and modifies the license of WKZF (FM) at Bayboro to specify operation on the higher class channel. See 56 FR 41113, August 19, 1991. Channel 250C3 is allotted at Bayboro, North Carolina at coordinates 35-04-47 and 76-37-58, at a site 17.3 kilometers (9.1 miles) southeast of the community. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 12, 1992.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-237, adopted August 31, 1992, and released September 28, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 250A and adding Channel 250C3 at Bayboro.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-23897 Filed 10-1-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-67; RM-7482, RM-7026, RM-7057]

Radio Broadcasting Services; Bon Air, Chester, Mechanicsville, Ruckersville, Williamsburg and Fort Lee, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Keymarket of Virginia, Inc., reallots Channel 243B from Williamsburg, Virginia to Fort Lee, Virginia. See 56 FR 41805, August 23, 1991. Channel 243B is allotted at Fort Lee at coordinates 37-20-24 and 77-24-41. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 12, 1992.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-67, adopted August 31, 1992, and released September 28, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), The Table of FM Allotments under Virginia, is amended by removing Channel 243B, Williamsburg and adding Channel 243B, Fort Lee.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-23895 Filed 10-1-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-126; RM-7993]

Radio Broadcasting Services; White Stone, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Windmill Communications, permittee of Station WNDJ-FM, Channel 261A, White Stone, Virginia, substitutes Channel 285A for Channel 261A at White Stone and modifies Station WNDJ-FM's construction permit to specify operation on Channel 285A. See 57 FR 28162, June 24, 1992. Channel 285A can be allotted to White Stone in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.7 kilometers (4.2 miles) northwest to accommodate Windmill's desired site. The coordinates for Channel 285A at White Stone are 37-42-00 and 76-26-00. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 9, 1992.

FOR FURTHER INFORMATION CONTACT:

Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-126, adopted August 27, 1992, and released September 25, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia is amended by removing Channel 261A and adding Channel 285A at White Stone.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-23892 Filed 10-1-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285**

[Docket No. 910102-1312]

Atlantic Tuna Fisheries; Bluefin Tuna

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

ACTION: Reopening of the northern longline component of the Incidental Catch category.

SUMMARY: NMFS issues this notice to reopen the fishery for Atlantic bluefin tuna conducted by longline vessels permitted in the Incidental Catch category and operating in the northern part (north of 36°00'N latitude) of the Regulatory Area. Reopening of this fishery is necessary because the total annual quota of 28 metric tons (mt) of Atlantic bluefin tuna allocated to that category for this area, was closed before final rules for 1992 became effective. This closure was based on overages in the southern longline component of the Incidental Catch category. For a biennial quota, the 1992 rules allow for subtracting from, or adding to, a specific component in the following year for any overages and underages from the previous fishing year. The intent of this action is to allow an opportunity for fishermen in the northern longline component of the Incidental Catch category to harvest the quota allocated for this fishery.

EFFECTIVE DATE: The opening is effective 0001 hours local time October 1, 1992.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-713-2347.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas

Convention Act (16 U.S.C. 971 *et seq.*) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Section 285.22(f)(1) of the regulations provides for an annual quota of 28 mt of Atlantic bluefin tuna to be harvested from the Regulatory Area by longline vessels permitted in the Incidental Catch category and fishing north of 36°00'N latitude. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the total catch of Atlantic bluefin tuna will equal any quota under § 285.22. The Assistant Administrator is further authorized under § 285.20(b)(1) to prohibit the fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22.

The Assistant Administrator had determined (prior to implementation of rules specifically for 1992 and beyond that contained provisions for underages and overages by a specific component), based on the reported catch, that the annual quota of Atlantic bluefin tuna for longline vessels fishing in the Regulatory Area would be attained by July 8, 1992. Therefore, based on total landings from the southern and northern components of the fishery, a closure notice was issued on July 6, 1992, to take effect upon July 8, 1992.

Upon further analysis of the landing data after the fishery was closed, the Assistant Administrator has determined that 15.18 mt of the 28 mt quota still exists for the northern component of the Incidental Catch category north of 36°00'N latitude. This notice of reopening is intended to allow an opportunity for the fishermen in that category to take their full allocation.

Classification

This action is taken under 50 CFR part 285 and complies with Executive Order 12291.

Authority: 16 U.S.C. 971 *et seq.*

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: September 28, 1992.

David S. Crestin,

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

[FR Doc. 92-23891 Filed 10-1-92; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration**50 CFR Part 672**

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Closure.

SUMMARY: NMFS is closing the directed fishery for pollock in statistical area 61 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the fourth quarterly allowance of the total allowable catch (TAC) for pollock in this area.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), September 28, 1992, through 12 midnight, A.l.t., December 31, 1992.

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

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

The fourth quarterly allowance of pollock TAC for statistical area 61 is 1,353 metric tons (mt), determined in accordance with § 672.20(a)(2)(iv). During the one-day third quarter fishery, 2,977 mt was caught.

The Director of the Alaska Region, NMFS, has determined that any directed fishery for pollock in Statistical area 61 would likely result in exceeding the TAC. Therefore, in accordance with § 672.20(c)(2)(ii), NMFS is establishing a directed fishing allowance for the fourth quarter of 0 mt, is setting aside the remaining 1,353 mt to support bycatch

needs in other groundfish fisheries, and is prohibiting directed fishing for pollock in statistical area 61, effective from 12 noon A.l.t., September 28, 1992, through midnight, A.l.t., December 31, 1992.

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

Classification

This action is taken under 50 CFR 672.20 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: September 28, 1992.

David S. Crestin,

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

[FR Doc. 92-23886 Filed 9-28-92; 4:21 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 57, No. 192

Friday, October 2, 1992

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Docket No. FV92-910-1]

Lemons Grown in California and Arizona; Proposed Weekly Volume Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the quantities of fresh California-Arizona lemons that may be shipped weekly to domestic markets for the four week period from the week ending October 17 through the week ending November 7, 1992. Comments on the weekly levels of volume regulation must be received by the Department of Agriculture (Department) by 12 Noon Eastern Time and by the Lemon Administrative Committee (Committee) by 12 Noon Pacific Time on the day prior to the Committee meeting associated with the week of regulation being addressed in the comment. A list of the committee meetings, dates and proposed levels of volume regulations can be found under the heading, *Committee Meetings and Dates* Consistent with program objectives, volume regulations for these weeks may be needed to establish and maintain orderly marketing conditions for fresh California-Arizona lemons. The Committee locally administers the marketing order covering lemons grown in California and Arizona.

DATES: Comments on the volume regulation proposed for the week ending October 17 must be received by the Department and the Committee by October 5; for the week ending October 24 by October 13; for the week ending October 31 by October 19; and for the week ending November 7 by October 26.

ADDRESSES: Interested persons are invited to submit written comments concerning the proposed weekly levels

of volume regulation. Comments must be sent in triplicate to the Docket Clerk, room 2525-S, F&V, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456, or by faxogram at (202) 720-5698; and to the Lemon Administrative Committee, 25129 The Old Road, suite 304, Newhall, California 91381, or by faxogram at (805) 253-2764. Such comments should reference the docket number, date, and page number of this issue of the *Federal Register*, and the dates of the regulatory week or weeks being addressed. For ease of review, persons submitting comments in excess of five pages may wish to include a one page summary. Such comments will be made available for public inspection in the Office of the Docket Clerk and the Committee office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 690-3670; or Martin Engeler, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2202 Monterey Street, suite 102B, Fresno, California, 93721; telephone: (209) 487-5901.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 910 (7 CFR part 910), as amended, regulating the handling of lemons grown in California and Arizona, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601-674), hereinafter referred to as the "Act."

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

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

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

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

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

There are approximately 70 handlers of lemons who are subject to regulation under the marketing order and approximately 2,000 producers of lemons in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of producers and handlers of California-Arizona lemons may be classified as small entities.

The Administrator of the AMS has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

The order authorizes volume regulations applicable to fresh shipments of California-Arizona lemons to the domestic market, which is defined by the order to include Canada. The marketing order does not limit the volume of export shipments of lemons, lemons consumed by charitable institutions, or lemons utilized in the production of processed lemon products. Exemptions are also provided for lemons used for livestock feed; lemons which are distributed in gift packages; the marketing and distribution of organic lemons to organic or health food wholesalers or retailers; and lemons sold directly by producers to consumers.

The declaration of policy in the Act includes provisions concerning establishment and maintaining such orderly marketing conditions as will protect producer prices and as will provide, in the interest of producers and consumers, an orderly flow of the supply of a commodity throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices. Limiting the quantity of California-Arizona lemons that each handler may handle on a weekly basis may contribute to the Act's objectives of orderly marketing and improving producer's returns.

The Committee may recommend to the Secretary the utilization of weekly volume regulations under the order to effectuate the purposes of the Act. Volume regulations may help to establish and maintain orderly marketing conditions for lemons, and at the same time benefit consumers by maintaining adequate supplies of lemons in the marketplace. Thus, volume regulations can be a valuable tool in achieving the goal of market stabilization for California-Arizona lemons.

Committee recommendations for volume regulations may vary from the established shipping projections in this proposed rule. Factors that may stimulate increased fresh lemon consumption and necessitate a Committee recommendation for volume regulation above the proposed level include: (1) Significant changes in weather patterns in major consuming areas; (2) a regional or national concern for health; or (3) promotional efforts by industry marketing organizations. Factors that could adversely affect lemon demand in the marketplace and necessitate a recommendation for volume regulation at a lower level than that proposed herein include: (1) Significant changes in weather conditions; (2) the size composition of existing supplies; (3) the condition of the

fruit; (4) transportation problems; or (5) extreme supply fluctuations created by competitive imports.

Because the Department has determined that volume regulation may be recommended and adopted, it is issuing this proposed rule covering the four week period from the week ending on October 17, 1992, through the week ending on November 1, 1992. Should the Committee recommend, and the Department adopt, regulation for any or all weeks during the four week period, the Department would issue final rules establishing such regulations. Similar proposed rules may be issued and subsequently finalized throughout the season.

The Department invites comments on the proposed weekly levels of volume regulation for the week ending October 17, through the week ending November 7, 1992. The Committee meets on a weekly basis to consider current and prospective marketing conditions and interested persons may orally present their position at such meetings. Interested persons are also invited to submit written comments to the Committee and the Department regarding the proposed levels of regulation for any or all weeks of the four week period specified in this rule. Interested persons who wish to comment in writing must submit copies to both the Department and the Committee. For ease of review, persons submitting comments in excess of five pages may wish to include a one page summary.

Comments proposing alternative levels of shipments, including no regulation, during this four week period should provide as much information as possible in support of the suggested alternatives. Interested persons are also invited to comment on the possible regulatory and informational impact of the proposed volume regulations on small businesses.

The Committee will consider comments received in response to this proposed rule when deliberating on its recommendations for volume regulation. The Department will also consider comments received in its evaluation of Committee recommendations for volume regulation. If warranted, the Department will issue volume regulations on a weekly basis.

Comments on the weekly levels of volume regulation must be received by the Department by 12 Noon Eastern Time and by the Committee by 12 Noon Pacific Time the day prior to the Committee meeting associated with the week of regulation being addressed in the comment.

Following is a list of the Committee's meeting dates, times, and locations, the regulatory week to be addressed at each meeting, and the proposed level of volume regulation for each regulatory week.

Committee Meetings And Dates

1. Committee Meeting Date: October 6, 1992
Time: 11 a.m.
Location: 25129 The Old Road, suite 304, Newhall, California 91381
Regulatory Week to be Addressed: October 11–October 17, 1992
Proposed Level: 305 cars
2. Committee Meeting Date: October 14, 1992
Time: 11 a.m.
Location: Erawan Garden Resort, 70–477 Highway 111, Indian Wells, California 92210
Regulatory Week to be Addressed: October 18–October 24, 1992
Proposed Level: 305 cars
3. Committee Meeting Date: October 20, 1992
Time: 11 a.m.
Location: 25129 The Old Road, suite 304, Newhall, California 91381
Regulatory Week to be Addressed: October 25–October 31, 1992
Proposed Level: 300 cars
4. Committee Meeting Date: October 27, 1992
Time: 11 a.m.
Location: 25129 The Old Road, suite 304, Newhall, California 91381
Regulatory Week to be Addressed: November 1–November 7, 1992
Proposed Level: 310 cars

Comments received will be analyzed and considered part of the rulemaking process.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, and Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 910 is proposed to be amended as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 600–674.

2. A new § 910.1056 is added to read as follows:

§ 910.1056 Lemon Regulation 756.

The quantity of lemons grown in California and Arizona which may be handled during the period from October 11 through October 17, 1992, is 305,000 cartons.

3. A new § 910.1057 is added to read as follows:

§ 910.1057 Lemon Regulation 757.

The quantity of lemons grown in California and Arizona which may be handled during the period from October 18 through October 24, 1992, is 305,000 cartons.

4. A new § 910.1058 is added to read as follows:

§ 910.1058 Lemon Regulation 758.

The quantity of lemons grown in California and Arizona which may be handled during the period from October 25 through October 31, 1992, is 300,000 cartons.

5. A new § 910.1059 is added to read as follows:

§ 910.1059 Lemon Regulation 759.

The quantity of lemons grown in California and Arizona which may be handled during the period from November 1 through November 7, 1992, is 310,000 cartons.

Dated: September 29, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92-23957 Filed 10-1-92 8:45 am]

BILLING CODE 3410-02-00

7 CFR Part 1106

[DA-92-28]

Milk in the Southwest Plains Marketing Area; Proposed Temporary Revision of a Cooperative's Plant Pooling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites public comment on a proposal to temporarily ease the pooling requirements for a plant operated by a cooperative association for a 24-month period, beginning October 1, 1992. The order currently requires that at least 45 percent of the producer milk marketed by a cooperative association must be delivered to distributing (bottling) plants in order to qualify the cooperative's plant for pooling under the Southwest Plains order. It is proposed that this percentage be reduced from 45 percent to 35 percent. This action was requested in order to prevent the uneconomic movement of milk by cooperative associations that represent producers regularly associated with the market.

DATES: Comments are due no later than October 9, 1992.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy

Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Richard A. Glanet, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 720-4829.

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

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed no later than 20 days after date of the entry of the ruling.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule. Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the provisions of § 1106.7 (c) and (d) of the order, the temporary revision of certain provisions of the order regulating

the handling of milk in the Southwest Plains marketing area is being considered for a 24-month period beginning October 1, 1992.

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

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

Statement of Consideration

In order for a cooperative association plant that is located in the marketing area or in a county adjacent to the marketing area to be a pool plant, the Southwest Plains order requires that the cooperative must deliver to pool distributing plants a minimum of 45 percent of the total quantity of milk marketed by the cooperative, either during the month or during the 12-month period ending with the immediately preceding month. The order also provides ending with the immediately preceding month. The order also provides authority for the Director of the Dairy Division to increase or decrease this requirement by up to 10 percentage points if such a revision is necessary to obtain needed shipments or to prevent uneconomic shipments.

Mid-America Dairymen, Inc. (Mid-Am), and Associated Milk Producers, Inc. (AMPI), cooperative associations that represent many of the market's producers, have requested that expedited action be taken to temporarily ease the pooling requirement by decreasing it by 10 percent. The total minimum quantity of its milk supply that a cooperative association would then be required to deliver to distributing plants in order for the plant to maintain pool plant status would be decreased to 35 percent. This temporary revision would be effective for a 24-month period, beginning October, 1992.

Mid-Am and AMPI assert that in eleven of the past nineteen months (January, 1991 through July, 1992), their shipments to distributing plants have failed to meet the 45 percent shipping standard. Though the 12-month average

has met the 45 percent standard (except for the period ending July, 1992), maintaining pool plant status has been marginal and difficult, according to the proponents.

The proponents anticipate that the marketing conditions currently existing will continue through the next two years or longer. Those marketing conditions attributing to the need to reduce the shipping percentage of a cooperative association are increasing producer receipts and reduced sales to distributing plants. Reduced sales to distributing plants can be attributed to two factors: (1) Increased non-member sales and, (2) A significant volume of fluid sales being lost by a Southwest Plains handler to a Texas handler, according to Mid-Am and AMPI.

The proponents anticipate the shipping percentage during many months over the next two years will be significantly below 45 percent shipping requirement, and subsequently that the 12-month shipping percentage average will fall below 45 percent. Mid-Am and AMPI therefore request a reduction of the shipping percentage of § 1106.7(c) from 45 percent to 35 percent pursuant to § 1106.7(d) of the Southwest Plains Milk Marketing Order.

Accordingly, it may be appropriate to reduce the delivery requirement from 45 to 35 percent for a 24-month period, beginning October 1992.

List of Subjects in 7 CFR Part 1106

Milk marketing orders.

The authority citation for 7 CFR part 1106 continues to read as follows:

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

Dated: September 29, 1992.

W. H. Blanchard,

Director, Dairy Division.

[FR Doc. 92-23959 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-117-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes Equipped With Bendix Brakes Fitted With NASCO Rotors Installed in Accordance With Supplemental Type Certificate (STC) SA3948NM

AGENCY: Federal Aviation Administration; DOT.

ACTION: Notice of proposed rulemaking (NPRM), correction.

SUMMARY: This document corrects the closing date for submittal of comments to the above-captioned proposed Airworthiness Directive (AD) that was published in the Federal Register on Wednesday, September 23, 1992 (57 FR 43944). A delay in the processing of the document resulted in its publication after the indicated comment deadline had passed. In all other respects, the proposed AD is correct.

DATES: Comments must be received by December 1, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-117-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION: A document proposing the adoption of a new airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes equipped with Bendix brakes fitted with NASCO rotors installed in accordance with STC SA3948NM, was published in the Federal Register on Wednesday, September 23, 1992 (57 FR 43944). This document corrects the closing date for submittal of public comments to December 1, 1992. Since no other portion of the proposal or regulatory information has been changed, the proposed rule is not being republished.

Issued in Renton, Washington, on September 24, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-23938 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 39

[Docket No. 92-NM-143-AD]

Airworthiness Directives; British Aerospace Model BAe 125-800A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 125-800A series airplanes. This proposal would require the identification of additional circuit breakers that must be included in smoke drill procedures. This proposal is prompted by a report that additional circuit breakers must be identified in order to ensure that the flight crew disengages them in an emergency. The actions specified by the proposed AD are intended to prevent reduced effectivity of smoke elimination and passenger evacuation procedures.

DATES: Comments must be received by November 9, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-143-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-143-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-143-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion: The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 125-800A series airplanes. The CAA advises that in order to satisfy the smoke drill procedures contained in the FAA-approved Airplane Flight Manual (AFM) for windscreens heat equipment supplied by certain busbars, additional circuit breakers must be identified. Failure to identify these circuit breakers could result in the flight crew failing to disengage the circuit breakers in an emergency, thereby reducing the effectivity of smoke elimination and passenger evacuation procedures.

British Aerospace has issued Service Bulletin 24-288-3284A, dated February 7, 1992, which describes procedures for the identification of additional circuit

breakers that must be included in smoke drill procedures. The identification procedure (Modification No. 253284A) involves adding a placard (white indicator label) to the power supply circuit breakers for the left-hand windscreen panel A and the right-hand windscreen panel B heat controls. The CAA classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and its type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require the identification of additional circuit breakers that must be included in smoke drill procedures. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 137 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$7,535. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation:

(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11004, February 26, 1979); and (3) if promulgated, will not have a significant

economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace; Docket 92-NM-143-AD.

Applicability: All Model BAe 125-800A series airplanes on which Modification No. 253284A has not been installed; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the crew from failing to disengage all appropriate circuit breakers in an emergency, accomplish the following:

(a) Within 3 months after the effective date of this AD, install Modification No. 253284A by painting the perimeters of the "A SCRN" and "B SCRN" heat control circuit breakers with matte white (non-cellulose) paint, in accordance with British Aerospace Service Bulletin 24-288-3284A, dated February 7, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

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

Issued in Renton, Washington, on September 8, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-23939 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-142-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes, that currently requires inspection of the rudder power control valve to determine if a lockwire is installed and, if not installed, adjustment of the retention nut and installation of a lockwire. This action proposes to add airplanes to the applicability statement of the rule and to revise the required measurement for the end cap torque. This proposal is prompted by reports of loss of rudder control on final approach and landing. The actions specified by the proposed AD are intended to prevent loss of rudder control.

DATES: Comments must be received by November 9, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-142-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter Eierman, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-130L, FAA Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5336; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-142-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-142-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion: On August 6, 1991, the FAA issued AD 91-18-03, Amendment 39-8006 (56 FR 41058, August 19, 1991), to require inspection of the rudder power control valve to determine if a lockwire is installed and, if not installed, adjustment of the retention nut and installation of a lockwire. That action was prompted by a report that the rudder pedal could not be depressed during landing rollout. The requirements

of that AD are intended to prevent loss of rudder control.

Since the issuance of that AD, there have been additional reports of missing lockwire on other airplane models, which indicate that the problem is more widespread than initially reported. The retention nut lockwire was inadvertently left out during assembly of the rudder power control valve. In addition, the FAA has determined that the end cap torque measurement recommended in McDonnell Douglas Alert Service Bulletin A27-317, dated June 17, 1991, is incorrect.

The FAA has reviewed and approved the following service bulletins:

(1) McDonnell Douglas Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992, which describes procedures to perform a one-time visual inspection of the retention nut on the rudder power control valve slide assembly for proper installation of a lockwire and, if not installed, adjustment of the retention nut and installation of a lockwire. Revision 1 adds Model DC-9 series airplanes to the effectivity listing that were not included in the original issue of this service bulletin.

(2) McDonnell Douglas Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992, which describes procedures for inspecting lockwire installed on the rudder power actuator slide assembly retention nut. Revision 2 corrects the torque requirements for the end cap.

(3) McDonnell Douglas Service Bulletin 27-321, dated May 18, 1992, which describes procedures for modifying the slide assembly of the rudder power control valve. The modification involves replacing lockwire with a locking tab washer on the rudder power control valve located in the aft fuselage at the lower end of the rudder hinge line. This modification adds dual locking capability to the slide adjustment retention nut, which will minimize the possibility of a retention nut not locking.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 91-18-03 to add airplanes to the applicability of the rule. This action would require that: (1) Operators who have not previously accomplished the inspection of the retention nut of the rudder power control valve must inspect the retention nut and take corrective action as necessary; and (2) operators who have previously accomplished the inspection must retighten the end nut to the newly specified torque limit. As an alternative to performing the inspection,

operators may modify the slide assembly of the rudder power control valve. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 1,950 McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, MD-88 airplanes, and C-9 (Military) airplanes of the affected design in the worldwide fleet. (The previously issued AD affected 120 McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes.) The FAA estimates that 1,150 airplanes of U.S. registry would be affected by this proposed AD. (The previously issued AD affected 60 U.S. registered airplanes.) The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed inspection requirement, and approximately 2 work hours per airplane to accomplish the proposed inspection and modification requirements. The average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be between \$63,250 and \$126,500. (This is an increase over the total cost of the previously issued AD of between \$59,950 and \$123,200; however, the cost per airplane remains approximately the same). This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8006 (56 FR 41058, August 19, 1991), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 92-NM-142-AD. Supersedes AD 91-18-03, Amendment 39-8006.

Applicability: Model DC-9 and C-9 (Military) airplanes; as listed in McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992; and Model DC-9-80 series airplanes and Model MD-88 airplanes; as listed in McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent loss of rudder control, accomplish the following:

(a) For airplanes on which the retention nut on the slide assembly of the rudder power control valve has not been inspected in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, dated December 2, 1991; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, dated June 17, 1991, or Revision 1, dated January 14, 1992, or Revision 2, dated May 22, 1992; Within 90 days after the effective date of this AD, inspect the retention nut on the rudder power control valve slide assembly to determine if a lockwire is installed, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; as applicable.

(1) If a lockwire is installed, no further action is required by this AD.

(2) If a lockwire is not installed, prior to further flight, adjust the retention nut, install a lockwire, and functionally check the rudder power control valve in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; as applicable.

(b) For airplanes on which the retention nut on the slide assembly of the rudder power control valve has been inspected prior to the effective date of this AD in accordance with

McDonnell Douglas DC-9 Alert Service Bulletin A27-327, dated December 2, 1991; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, dated June 17, 1991, or Revision 1, dated January 14, 1992; Within 90 days after the effective date of this AD, retighten the end cap to the specified torque, in accordance with McDonnell Douglas DC-9 Alert Service Bulletin A27-327, Revision 1, dated March 9, 1992; or McDonnell Douglas MD-80 Alert Service Bulletin A27-317, Revision 2, dated May 22, 1992; as applicable.

(c) Modification of the rudder power control valve by replacing the lockwire with a locking tab washer, in accordance with McDonnell Douglas Service Bulletin 27-321, dated May 18, 1992, constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

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

Issued in Renton, Washington, on September 8, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-23940 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI-49-92]

RIN 1545-AR02

Bank Bad Debts, Conclusive Presumption

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the Federal Register, the Internal Revenue Service is issuing temporary regulations to clarify the scope of the express determination that is required under § 1.166-2(d)(3) in order for a bank to elect to use a method of accounting that conforms tax

accounting for bad debts to regulatory accounting. The temporary regulations affect banks that have made or intend to make an election under § 1.166-2(d)(3). The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

DATES: Written comments and requests for a public hearing must be received by November 30, 1992.

ADDRESSES: Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044, Attn: CC:CORP:T:R (FI-49-92), room 5228.

FOR FURTHER INFORMATION CONTACT: Bernita L. Thigpen, 202-622-4016 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations published in the Rules and Regulations portion of this issue of the *Federal Register* amend § 1.166-2(d)(3) of part 1 of Title 26 of the Code of Federal Regulations (CFR). For the text of the new temporary regulations, see T.D. 8441, published in the Rules and Regulations portion of this issue of the *Federal Register*. The preamble to the temporary regulations explains the regulations.

Special Analysis

It has been determined that these proposed 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, these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are timely submitted (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying in their entirety. A public hearing will be scheduled and held upon written request by any person who submits written comments on the proposed rules. Notice of the time and

place for the hearing will be published in the *Federal Register*.

Drafting Information

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

Proposal of Regulations

The temporary regulations (T.D. 8441), published in the Rules and Regulations section of this issue of the *Federal Register*, are hereby also proposed as final regulations under section 166 of the Internal Revenue Code of 1986.

Shirley D. Peterson,

Commissioner of Internal Revenue.

[FR Doc. 92-23916 Filed 10-1-92; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 756; Re: Notice Nos. 728, 729 and 738]

RIN 1512-AA07

Oakville and Rutherford Viticultural Areas; Public Hearings

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of public hearings on two proposed rules.

SUMMARY: This notice announces the time and place of public hearings to be held by the Bureau of Alcohol, Tobacco and Firearms concerning the establishment of two viticultural areas in Napa County, California, to be known as "Oakville" and "Rutherford." In Notice Nos. 728 and 729 (56 FR 47039 and 47044), published in the *Federal Register* on September 17, 1991, ATF detailed a proposal for the establishment of these two viticultural areas and requested comments. Due to the extent and controversy of the comments received, ATF published another notice, Notice No. 738 (57 FR 14681), in the *Federal Register* on April 22, 1992, which reopened the comment periods for the proposed Oakville and Rutherford viticultural areas. In consideration of the continued controversy expressed in the comments to Notice No. 738 concerning the boundaries of the two areas, ATF has determined that the public interest

would be best served by the holding of public hearings on these matters. The purpose of the hearings is to gather additional information and to receive evidence with respect to the establishment of these viticultural areas, the proposed boundaries, and other possible boundaries.

DATES: The hearing for Rutherford will be held on December 9, 1992, beginning at 9 a.m. The hearing for Oakville will be held on December 10, 1992, beginning at 9 a.m. Persons desiring to make oral comments at the hearings should submit a letter notifying ATF of their intent to comment on or before November 9, 1992.

ADDRESSES: The hearings will be held in the conference room at the Inn at Napa Valley, 1075 California Boulevard, Napa, California 94559.

Letter notifications and written comments are to be submitted to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221, Attn: Notice No. 756.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 1991, ATF published two notices of proposed rulemaking, Nos. 728 and 729 (56 FR 47039 and 47033), in the *Federal Register*. In the notices, proposals were made for the establishment of two viticultural areas in Napa County, California, to be known as "Oakville" and "Rutherford."

As specified in Notice No. 728, the proposed Oakville viticultural area is located just north of the town of Yountville, and approximately 10 miles northwest of the city of Napa. In very general terms, the proposed Oakville boundary goes as far north as Skellenger Lane, as far east as the 500-foot contour line on the western side of the Vaca Mountain Range, as far west as the 500-foot contour line on the eastern side of the Mayacamas Mountain Range, as far south as approximately one mile northwest of the town of Yountville.

As specified in Notice No. 729, the proposed Rutherford viticultural area is located just south of the city of St. Helena and approximately 12 miles northwest of the city of Napa. In very general terms, the proposed Rutherford boundary goes as far north as Zinfandel Lane, as far east as the 500-foot contour line on the western side of the Vaca Mountain Range, as far west as the 500-foot contour line on the eastern side of

the Mayacamas Mountain Range, and as far south as Skellenger Lane with the exception of one area going approximately .5 mile south of Skellenger Lane.

It is important to note that the proposed southern boundary of Rutherford coincides exactly with the proposed northern boundary of Oakville.

In response to the two notices of proposed rulemaking, ATF received a total of 19 comments. These comments were thoroughly discussed in the reopening notice (Notice No. 738).

The reopening notice was published in the *Federal Register* (57 FR 14681) on April 22, 1992. ATF received 62 comments in response to this reopening notice.

After reviewing these 62 comments, it appears there is controversy concerning the northern, northeastern, northwestern, eastern, and southern boundary of Rutherford, and the southwestern boundary of Oakville.

Twenty-five commenters disagree with the proposed northern boundary of Rutherford. These commenters feel that the Rutherford boundary should extend further north either to Sulphur Creek or to the southern city limits line at St. Helena.

One of the commenters requesting an extension of the northern boundary of the proposed Rutherford viticultural area submitted geographical information in support of his position that there is little or no difference in the geographical features of the area between Zinfandel Lane and Sulphur Creek as compared to the proposed Rutherford viticultural area. The commenter also requests that the proposed Rutherford viticultural area, including his requested northern extension to Sulphur Creek, be named Rutherford Bench instead of Rutherford.

Ten commenters agree with the proposed northern boundary of Rutherford and state that there is no historical or current evidence which would suggest that the area north of Zinfandel Lane has ever been considered to be within the Rutherford area.

One commenter disagrees with the northeastern boundary of Rutherford. He feels that the northeastern boundary should continue to be the 500-foot contour line (which would include the Spring Valley area) rather than changing to the 380-foot contour line which would exclude the Spring Valley area.

One commenter disagrees with the northwestern boundary of Rutherford. He feels that the Rutherford boundary should be extended along the northern fork of Bale Slough approximately 2,750 feet to a point intersecting the straight

line westward extension of the light-duty road known as Inglewood Avenue, then following that line to the west to the 500-foot contour line.

Two commenters disagree with the eastern boundary of Rutherford. These two commenters state that the eastern boundary of Rutherford should be extended beyond the currently proposed 500-foot elevation line to the 1200-foot elevation line to include the area south of Lake Hennessey known as Pritchard Hill.

Five commenters, plus petitions containing the names of 56 additional interested persons within the Napa Valley, disagree with the southern boundary of Rutherford. These commenters and petitioners feel that any boundaries for Rutherford must include Beaulieu Vineyard properties No. 2 and No. 4 which have historically been associated with Beaulieu Vineyard and its Cabernet Sauvignon wines, and which have contributed greatly to the development and consumer recognition of the Rutherford name. These two Beaulieu Vineyard properties are currently within the proposed Oakville viticultural area.

One of the commenters suggests that these two Beaulieu Vineyard properties can be included in the Rutherford area by extending the 500-foot elevation line western boundary at the extreme southwestern corner of the proposed Rutherford viticultural area in a generally southerly direction to its point of intersection with an unnamed creek flowing in a generally easterly direction. Thence along this unnamed creek to its point of intersection with Walnut Lane, thence east along Walnut Lane to Highway 29, thence north on Highway 29 to the originally proposed southern boundary of Rutherford, and thence continuing in the same manner as the originally proposed Rutherford boundary.

This same commenter also submitted geographical information which he feels indicates little or no difference between Beaulieu Vineyard properties No. 2 and No. 4; and between these two vineyard properties and the proposed Rutherford viticultural area.

Six commenters state that they agree with the originally proposed southern boundary of Rutherford and do not feel that it should be changed to include Beaulieu Vineyard properties No. 2 and No. 4. These commenters state that these two vineyard properties are located in the Oakville area. These commenters refer to the information submitted in the original Rutherford and Oakville petitions as evidence for their position.

Sixteen commenters disagree with the proposed southwestern boundary of Oakville. These commenters feel that the southwestern boundary extends too far south into what they feel is Yountville. According to these commenters, the Oakville/Yountville boundary has always been known by the locals to be Dwyer Road to Highway 29, then Yount Mill Road to Rector Creek. These commenters submitted evidence which suggests that one winery and several other businesses located south of Dwyer Road have Yountville addresses and consider themselves to be in the Yountville area. These businesses are currently within the boundaries of the proposed Oakville viticultural area.

Eleven commenters agree with the proposed southwestern boundary of Oakville. These commenters state that they have lived and worked in the area for thirty years or more and that they have never heard of Dwyer Road (Lane) and Yount Mill Road being used as the boundary line between Oakville and Yountville. Some of these commenters submitted historical information in support of their position that Dwyer Road and Yount Mill Road have never been used as the dividing line between Oakville and Yountville.

One commenter states that the Rutherford Bench designation should be expanded to include the entire area delimited by the original petitioners as Rutherford. This commenter states that if his proposal is adopted, the word "Bench" in the appellation should not be required on the wine label. The bottling winery with grapes from this area would be allowed to place either Rutherford or Rutherford Bench on the label. According to this commenter, there is no geographic distinction between the Rutherford and Rutherford Bench areas, including soil, rainfall, heat summation, or geologic formation.

And finally, one commenter states that she objects to an Oakville appellation since she is not convinced that more appellations are needed in the Napa Valley.

Hearings

Based on the information presented in the comments, it is apparent that disagreement exists on a boundary for both the Oakville and Rutherford viticultural areas. Therefore, ATF desires to obtain more information on the establishment of these two viticultural areas, their proposed boundaries, and other possible boundaries.

For these reasons, ATF has determined that public hearings are

necessary and would serve the public interest. The purpose of the hearings is to obtain evidence for the record and to afford interested parties an opportunity to express their views. Evidence obtained and views expressed will be considered in the preparation of any final rules concerning the Oakville and Rutherford viticultural areas.

Participation

Any person desiring to participate in the hearings should notify ATF by submitting a letter specifying which viticultural area hearing they intend to participate in, and the name, address and daytime telephone number of the individual who will prevent oral comments. Any preference a person may have as to the time of day for presentation of comments should also be stated. The letter must be accompanied by an outline which briefly summarizes the topics the commenter will discuss and the information to be presented. Each topic to be discussed should be separately numbered and each numbered topic should specify the information to be presented. Assurance of having the opportunity to be heard is given only to those persons notifying ATF prior to the scheduling cutoff date of November 9, 1992.

Any person unable to attend the hearings or who prefers not to present oral comments may submit written comments before or after the hearing. ATF will accept written comments until December 28, 1992. In written comments, each topic to be discussed should be separately numbered and each numbered topic should specify the factual basis supporting the views, data, or arguments presented. All written comments received will be considered in the development of a decision on this matter.

ATF wants to make it clear that this public hearing is being held for the sole purpose of obtaining information and/or evidence concerning the possible establishment of a Rutherford and/or Oakville viticultural area. ATF is not considering during these hearings the establishment of a Rutherford Bench or an Oakville Bench viticultural area within the currently proposed Rutherford and Oakville viticultural areas. However, since several commenters submitted comments concerning use of the name Rutherford Bench in place of or in addition to the name Rutherford, ATF will accept testimony concerning the best name for the Rutherford area. Nevertheless, ATF wishes to reiterate its position that testimony or information in support of or in opposition to the original proposed

Rutherford Bench and/or Oakville Bench petitions is not appropriate during these hearings.

General Information on Hearing Procedures

The hearings will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3) and will be open to the public, subject to the limitations of space. In the event attendance exceeds available seating space, persons scheduled to present oral comments will be given preference in respect to admission. Time limitations make it necessary to limit the length of oral presentations to a maximum of ten (10) minutes. However, this allotted time per commenter may have to be reduced depending on the number of persons wishing to make oral presentations. Commenters will not be permitted to trade their time to obtain a longer presentation period. However, the hearing officer may allow any person additional time after all other commenters have been heard. To the extent that time is available after presentation of oral comments by those who are scheduled to comment, others will be given an opportunity to be heard.

In order to ensure that ATF will have the full benefit of their views even if time constraints limit an oral presentation, persons presenting oral comments are urged to supplement their oral statement with a more complete written statement. A written statement submitted to the hearing officer at the time of presentation of the oral statement will be considered part of the hearing record.

After making an oral presentation, a person should be prepared to answer questions from the hearing panel on not only the topics presented but also on matters relating to any written comments which he or she has submitted. Other persons will not be permitted to question a commenter. However, questions may be submitted, in writing, to the hearing officer who will evaluate their relevance. If the hearing officer determines that elicitation of further discussion would be beneficial, the questions may be presented to a commenter for a response.

Persons will be scheduled, if possible, according to the time preference mentioned in their letter notification to ATF. ATF will confirm by telephone the time a person is scheduled to present oral comments. A letter notification received by ATF prior to the cutoff date ensures that a person will be scheduled to comment. Letter notifications received after the cutoff date and up to one (1) working day preceding the

hearing, will be honored to the extent practicable on a first-come-first-serve basis. Any scheduled commenter not present at the hearing when called will lose his or her place in the scheduled order, but will be recalled after all other scheduled commenters have been heard.

ATF will prepare an agenda listing the persons scheduled to comment and copies will be available at the hearing. In addition, copies of the petitions and all received written comments will be available at the hearing for public inspection.

Comments

Any person participating in the hearing or submitting written comments may present such data, views, or arguments as the person so desires. Comments that provide the factual basis supporting the views or suggestions presented will be particularly helpful in developing a reasoned regulatory decision on this matter. However, comments consisting of mere allegations or denials are counterproductive to the rulemaking process.

ATF specifically requests that commenters consider making comments on the following questions:

1. What are the historical and current boundaries (north, south, east, and west) of the areas known as "Oakville" and "Rutherford?"

2. Why, and how, should the boundaries of "Oakville" and "Rutherford," as proposed in Notice Nos. 728 and 729 respectively, be modified?

3. What geographical or climatic features, or evidence of name, or other current or historical evidence, support the extension of the Rutherford area north of Zinfandel Lane into the Sulphur Creek area, or northeast of the 380-foot contour line, along the proposed northeastern boundary of Rutherford, into the Spring Valley area? In addition, what such features or evidence support the extension of the Rutherford area northwest of the currently proposed northwestern boundary of Rutherford to include the northern fork of Bale Slough and continuing along this northern fork approximately 2,750 feet north to a point intersecting the straight line westward extension of the light-duty road known as Inglewood Avenue, then following that line to the west to the 500-foot contour line?

4. What geographical or climatic features, or evidence of name, or other current or historical evidence, support the extension of the southern boundary of the proposed Rutherford viticultural area to include Beaulieu Vineyard properties No. 2 and No. 4, which are

currently within the proposed Oakville viticultural area? In addition, what such features or evidence support the extension of the eastern boundary of the proposed Rutherford viticultural area to include the area south of Lake Hennessy known as Pritchard Hill?

5. What geographical or climatic features, or evidence of name, or other current or historical evidence, support using Dwyer Road and Yount Mill Road as the southwestern boundary of the proposed Oakville viticultural area? Currently, the proposed southwestern boundary extends south of Dwyer Road approximately 1 mile.

6. Is there any additional evidence, other than what is currently in the Oakville and Rutherford petitions, which supports the boundaries of the proposed Oakville and Rutherford viticultural areas as proposed in Notice Nos. 728 and 729 respectively?

7. Is there evidence that the name of the proposed Rutherford viticultural area is locally or nationally known as including the area north of Zinfandel Lane to include the Sulphur Creek area, or northeast of the 380-foot contour line along the northeastern boundary into the Spring Valley area, or south of Skellenger Lane along the southern border to include the Beaulieu Vineyard properties Nos. 2 and 4? In addition, is there evidence that the name of the proposed Rutherford viticultural area is locally or nationally known as including the area northwest of the currently proposed northwestern boundary of Rutherford (as previously described in number 3 above), or east of the proposed eastern boundary of Rutherford to include the area south of Lake Hennessy known as Pritchard Hill?

8. Is there evidence that the name of the proposed Oakville viticultural area is locally or nationally known as including the area approximately 1 mile south of Dwyer Road and Yount Mill Road?

9. What do wineries outside of the proposed Oakville and Rutherford areas consider to be the "Oakville" and "Rutherford" grape growing areas?

10. To what extent have wineries in the "Oakville" and "Rutherford" areas, as proposed in Notice Nos. 728 and 729, as well as those wineries located in the controversial areas, identified themselves as being in either "Oakville" or "Rutherford"?

11. To what extent have grapes grown in the proposed "Oakville" or "Rutherford" areas, or in the previously mentioned controversial areas, been or not been marketed as either "Oakville" or "Rutherford" grapes?

12. Is there any evidence to suggest that the name Rutherford Bench is an appropriate designation of the entire Rutherford area?

Drafting Information

The author of this document is Robert White, Coordinator, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedures, Consumer protection, Viticultural areas, and Wine.

Authority: This notice of public hearings is issued under the authority of 27 U.S.C. 205.

Approved: September 18, 1992.

Stephen E. Higgins,
Director.

[FR Doc. 92-23701 Filed 10-1-92; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 151

[CGD 91-066]

RIN 2115-AD80

Ballast Water Management For Vessels Entering the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes regulations to implement the regulatory requirements of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. The proposed regulations, if adopted, would require ballast water management practices for each vessel entering the Great Lakes. These requirements, which would replace voluntary guidelines published on March 15, 1991, would prevent the additional introduction of nonindigenous aquatic nuisance species through the ballast water of vessels entering the Great Lakes.

DATES: Comments must be received on or before November 16, 1992.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 91-066), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection of information requirements must be mailed also to the Office of Information and Regulatory

Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jonathan C. Burton, Project Manager, Division of Marine Environmental Protection (G-MEP-1), (202) 267-6714.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD 91-066) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES". If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Jonathan C. Burton, Project Manager, and Ms. Helen Boutrous, project Counsel, Office of Chief Counsel.

Background and Purpose

Historical records suggest that over 100 non-native species have been introduced into the Great Lakes. The introduction of non-native fish and other aquatic organisms through the discharge of ballast water alters the balance of the ecosystem, often to the detriment of the system. In the 1960's alone, ballast water discharges are believed to have been the cause for the introduction of four nuisance species to the Great Lakes: The zebra mussel (*Dreissena polymorpha*); the European ruffe (*Gymnocephalus cernuus*); the spiny

water-flea (*Bythotrephes cederstroemi*); and the tube-nosed goby (*Proterorhinus marmoratus*).

Many vessels take on water as ballast in foreign harbors or in the nearshore waters. These waters are often rich in living organisms. When these vessels arrive in the Great Lakes to take on cargo, they discharge ballast water. Any organisms contained in the water then enter the Great Lakes.

Many of these transplanted species do not survive in this new environment. However, those that do survive quickly adapt and in some instances thrive in their new environment, particularly where there are no natural predators to control their population growth. This uncontrolled population growth can be detrimental to a delicately balanced ecosystem.

The zebra mussel provides a good example of the harmful effects of a newly introduced species. In June 1988, this small bivalve mollusk, native to the Black, Asov, and Caspian Seas in eastern Europe, was discovered on the Canadian side of Lake Saint Clair in the Great Lakes. In July of that year, it was discovered on the United States side in the western basin of Lake Erie. Scientists believe that it was introduced in 1986 in its preadult planktonic phase by the discharge of freshwater ballast of vessels from northern Europe, where it has spread over the last century.

The zebra mussel is a major fouling pest-species: Hundreds of millions can be found on and in pipes, screens, conduits, boat bottoms, floats, buoys, rocks, submerged objects, submerged objects and native animals and plants. As a filter-feeding organism, it removes vast quantities of microscopic organisms from the water, the same organisms that fish larvae and young fish rely upon for their food supply. It also completely covers rocks and other substances normally used by Great lakes fish for laying eggs.

Since its introduction into the Great Lakes, the zebra mussel has reproduced and spread to each of the Great Lakes, the Saint Lawrence River, and the Erie Canal. It now affects intakes to municipal water-filtration and electric-power plants in Michigan, Ohio, and New York. The economic impact on communities affected by its introduction into the Great Lakes may reach \$5 billion by the year 2000. Natural range expansion and secondary transfer media will likely lead to its establishment in all connecting waters of the Great Lakes and eventually in many other North American rivers and lakes.

Solutions

Currently, the most practical method of protecting the Great Lakes from foreign organisms that may exist in ballast water appears to be an exchange of ballast water in the open ocean, beyond the continental shelf. Water in the open ocean contains fewer organisms than water collected in harbors or coastal waters. Those organisms that exist in the open ocean are adapted to relatively constant conditions, such as salinity and temperature, and are less likely to survive if introduced into a freshwater system.

In addition to ballast water exchange, there are other possible methods of ballast control. They include discharging ballast water to reception facilities ashore, retaining the ballast water on board, heating or chemically treating ballast water, disinfecting ballast water with ultraviolet light, depriving ballast water of oxygen, coating tanks with biocides, installing filters, and modifying vessel design. However, there is a lack of research and practical experience on the cost, safety, effectiveness, and environmental acceptability of these methods.

International Recognition

The introduction and spread of nonindigenous species by vessels' ballast water has been brought to the attention of the International Maritime Organization (IMO). IMO, the United Nations' specialized agency for maritime affairs, has recognized this issue as an international problem, which requires an international solution. In November 1990, the Marine Environment Protection Committee (MEPC) of IMO formed a working group to consider research information and solutions proposed by member states of IMO and by nongovernmental organizations in developing an international approach to resolving this problem. The working group concluded that the establishment of voluntary guidelines was an appropriate first step in addressing this problem. The group reviewed and modified a draft resolution and guidelines submitted by the Canadian delegation. The group submitted the draft resolution and guidelines to the session of the MEPC held in July 1991, and it was adopted. Those guidelines call for ballast water exchange in the open ocean as a primary method of controlling the introduction of nonindigenous nuisance species.

Canadian Voluntary Guidelines

In May 1989, the Canadian Coast Guard introduced the first voluntary

guidelines for controlling ballast water discharges into the Great Lakes. The Canadian Coast Guard developed these guidelines in full consultation with the United States Coast Guard, the Great Lakes Fishery Commission, and representatives of commercial shipping. These guidelines encouraged all vessels transiting the Eastern Canadian Vessel Traffic Service (ECAREG VTS) Zone inbound for the Saint Lawrence Seaway and the Great Lakes to exchange freshwater ballast collected in foreign harbors or near coastal waters for saltwater ballast collected from the open ocean. This exchange was to occur far enough from any coastline such that there would be few organisms of any kind in the new ballast water, which would eventually be discharged into the Great Lakes.

United States Legislation

On November 29, 1990, the United States enacted the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, codified at 16 U.S.C. 4701 *et seq.*) (the Act). The Act required the United States Coast Guard, in consultation with the government of Canada, to issue voluntary guidelines, not later than six months after enactment, to prevent further introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels. Joint United States and Canadian voluntary guidelines, which closely tracked the Canadian guidelines discussed above, went into effect on March 15, 1991 (56 FR 11330). Participation by the commercial shipping industry has been high with an estimated 90 percent rate of voluntary compliance.

The Act also calls for regulations to be issued, in consultation with the Task Force created by the Act, within 24 months of enactment. The Task Force, which includes the Director of the United States Fish and Wildlife Service, the Under Secretary of Commerce for Oceans and Atmosphere, the Administrator of the Environmental Protection Agency, and the Commandant of the United States Coast Guard, has other responsibilities as well, including establishing a program for waters of the United States to prevent introduction and dispersal of aquatic nuisance species.

The Act calls for the regulations to apply to vessels that enter a United States port on the Great Lakes after operating on the waters beyond the Exclusive Economic Zone (EEZ). The Act provides for civil and criminal penalties (16 U.S.C. 4711 (c) and (d)).

Any person who violates the regulations shall be liable for a civil penalty not to exceed \$25,000. Each day of a continuing violation would constitute a separate violation. A vessel operated in violation of the regulations would be liable in rem for any civil penalty assessed for that violation. Any person who knowingly violates the regulations would be guilty of a class C felony. A class C felony is punishable by imprisonment of not more than 12 years (18 U.S.C. 3581(b)(3)) and a fine of not more than \$250,000 for an individual or not more than \$500,000 for an organization (18 U.S.C. 3571(c)(3)).

In accordance with the Act, the Coast Guard proposes the regulations discussed below.

Discussion of Proposed Regulations

General Provisions

This proposal, if adopted, would establish a new subpart C to 33 CFR part 151, implementing ballast water management practices, as required by the Act, to prevent additional introduction and spread of nonindigenous aquatic nuisance species into the Great Lakes through the ballast water of vessels. As stated in proposed § 151.1502, these regulations would apply to all vessels that carry ballast water and are headed for a United States port on the Great Lakes after operating on the waters beyond the EEZ. Proposed § 151.1504 would provide definitions of key terms used in the proposed subpart.

Proposed § 151.1506 would prohibit the master of a vessel subject to the proposed subpart, from operating in the Great Lakes unless the master has certified that he or she has complied with the requirements of the proposed subpart. The Commandant of the Coast Guard has delegated final authority for maritime law enforcement within each district to the District Commander (33 CFR 1.01-1). Therefore, the District Commander would have the authority to enforce this proposed provision. Certification procedures are provided for in proposed § 151.1518 and are discussed below. As provided for in the Act, and in proposed § 151.1508, the District Commander would also have the authority to request the District Director of Customs to withhold or revoke the clearance required by 46 U.S.C. App. 91 for a vessel, the owner or operator of which is not in compliance with the requirements of the proposed subpart.

Ballast Water Management

The master of each vessel subject to the proposed subpart would be required, under proposed § 151.1510, to either

exchange the vessel's ballast water beyond the EEZ in an ocean depth of not less than 1.24 miles (2,000 meters) prior to entering a port within the Great Lakes, or use an alternative environmentally sound method of ballast water management. Any alternative method would be required to be submitted to the Captain of the Port (COTP) of the first port the vessel would enter, before entering that port. No alternative methods may be employed unless the COTP, who has been delegated the Commandant's authority to enforce marine environmental protection regulations (33 CFR 1.01-30), approves the alternative method before the vessel enters the port. Only environmentally sound methods that are as effective as ballast water exchange in preventing and controlling the infestations of aquatic nuisance species would be approved. "Environmentally sound methods" are methods, efforts, actions, or programs to prevent introductions or to control infestations of aquatic nuisance species, that minimize adverse impacts to the structure and function of an ecosystem and minimize the adverse effects on non-target organisms and ecosystems and that emphasize integrated pest management techniques and non-chemical measures.

At this time, ballast water exchange is determined to be the most practical method of protecting the Great Lakes from foreign organisms that may exist in ballast water. There is a lack of research and practical experience on the cost, safety, effectiveness, and environmental acceptability of other methods. Since most masters of vessels that would be subject to this proposed subpart are already practicing ballast water exchange, the Coast Guard expects that a high rate of compliance would be achieved. As international efforts and Task Force studies continue, permitting masters of vessels to submit alternative methods of ballast water management would provide the needed flexibility to approve additional ballast water management methods that may eventually be determined to be as effective as ballast water exchange in preventing and controlling additional infestations of nonindigenous species.

Proposed § 151.1510 also would require that sediment from ballast water tanks be disposed of ashore in accordance with local applicable requirements. Additionally, proposed § 151.1510 notifies masters of vessels subject to the proposed requirements that nothing in this proposed subpart would authorize the discharge of oil, noxious liquid substances, or other pollutants in a manner prohibited by

United States or international law or regulations, or affects their responsibilities under the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*) Further, masters of vessels subject to the proposed subpart, as stated in proposed § 151.1512, would remain responsible for ensuring the safety and stability of the vessel, the safety of the crew and passengers, and for any other existing responsibility.

Proposed § 151.1514 provides for an exemption from the ballast water management requirements if due to weather, equipment failure, or other extraordinary conditions a master is unable to exchange ballast water before entering the territorial waters of the United States. If this happens, the master must request from the COTP of the first United States port the vessel would enter, permission to either retain the vessel's ballast water and refrain from discharging it while in the territorial waters of the United States, or discharge the vessel's ballast water within an area designated by the COTP at the time of the request.

Proposed § 151.1516 includes information reporting and collection requirements which would enable the Coast Guard to monitor compliance with the proposed subpart. The Coast Guard proposes that Snell Lock at Massena, New York be the site for collection of information regarding compliance with the proposed requirements, and for the master's certification of compliance. The Act requires that the master of each vessel certify compliance with the requirements of the Act before that vessel enters a port on the Great Lakes. The last lock under United States jurisdiction before entering a United States port on the Great Lakes is Snell Lock. Therefore, the Coast Guard proposes that Snell Lock would be the appropriate point for the reporting and collection of information, so that the Coast Guard may monitor compliance with, and effectiveness of, the proposed regulations. It would also serve as the point at which the master of a vessel subject to the proposed subpart, would be required to certify that he or she has complied with the requirements of the proposed subpart before entering the Great Lakes.

The master of each vessel subject to the proposed subpart would be required to provide information regarding ballast water management practices, in writing, including the vessel's name, port of registry, and official number or call sign, the name of the vessel's owner(s), whether ballast water is being carried, the location it was taken on, and intended discharge port. This

information is currently collected by the United States and Canada under the joint voluntary guidelines discussed above. The master would be required to provide his signature along with the information, attesting to the accuracy of the information provided. The signature would also serve as the master's certification that he or she has complied with the requirements of the subpart. This information would serve to verify compliance and become part of a statistical base to determine the effectiveness of the program. Because some masters of vessels subject to the proposed subpart may continue to provide Canada with the information requested under their voluntary program, and since local programs may be established in connection with the Task Force, a photocopy of the information required by this proposed subpart, pertaining to the same voyage, prepared for another State, local, or foreign government agency would be accepted by the Coast Guard in order to avoid duplication of information reporting requirements.

Under proposed § 151.1516, Coast Guard officials would be authorized to take samples of vessel's ballast water to test for salinity and the presence of foreign organisms. The testing of ballast water would serve as an additional method of monitoring the effectiveness of, and compliance with, the proposed regulations.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). A draft Regulatory Evaluation is available in the docket for inspection or copying where indicated under "ADDRESSES". Entities involved are encouraged to identify themselves and give comments on the potential cost of implementing these proposed regulations.

The Coast Guard estimates that the impact of the proposed regulations on United States flag vessels would be minimal. Due to size constraints, only smaller vessels are able to transit the Saint Lawrence Seaway. These vessels do not engage in foreign voyages which would place them on waters beyond the EEZ. Only vessels that have operated on waters beyond the EEZ and enter a port on the Great Lakes, would be subject to the requirements of the proposed regulations. During the 1990 shipping season, 455 foreign oceangoing vessels entered the Saint Lawrence Seaway. Of these, 198 or 44 percent carried ballast water and would have been subject to

the proposed rules. It is not expected that the number of vessels entering the Saint Lawrence Seaway will increase. The number has declined in recent years. The typical ocean carrier bound for the Great Lakes in full ballast condition could have on board from 7,000 to 10,000 tons of ballast water. Including the cost of diesel fuel, power generating costs to operate the pumps to effect an exchange would cost approximately \$900.00 per vessel. Manpower costs would not be an appreciable factor since the exchange would be conducted by crew members already employed on the vessel for the voyage. Reporting and record keeping costs would add \$35.00 per vessel. The time lost due to decrease in speed necessary to effect a ballast water exchange would be minimal since the ships affected by the proposed rules should be able to effect the exchange while in transit on the high seas. Adding a 10 percent factor for wear and tear, plus 4 percent a year for inflation, the total cost per vessel would be \$1,147. Therefore, the estimated cost to foreign vessels for 1993, assuming 200 foreign vessels would be affected at a cost of \$1,147 per vessel, would be \$229,400. Total costs through the year 2000 are estimated to be \$2,113, 744.

The Coast Guard expects that costs to consumers would be minimal. Assuming that all costs would be passed on to the consumer, the cost per ton of foreign cargo on vessels subject to the proposed regulations would increase \$.099 per ton in 1993 and \$.910 through the year 2000.

Measures to slow or stop the introduction of nonindigenous species into the Great Lakes would be of great benefit. The over 100 non-native species introduced into the Great Lakes in the last 100 years have had a profound effect on the native species and the economic welfare of the Great Lakes area. The economic impact on communities affected by the introduction of the zebra mussel may reach \$5 billion by the year 2000. The experience of the zebra mussel infestation makes clear the tremendous cost benefit of implementing regulations to prevent the introduction of nonindigenous nuisance species before they become established in an ecosystem.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and

that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The Coast Guard has not identified any United States flag vessels that routinely enter the Great Lakes after operating on waters beyond the EEZ. The costs to foreign flag vessels that would be subject to the proposed regulations would be \$1,147 per vessel in 1993. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule which contains a collection of information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other, similar requirements.

This proposal contains collection of information requirements in § 151.1516. That section would require that the master of each vessel subject to the proposed subpart, provide information, in written form, to the Lockmaster at the Snell Lock at Messena, New York. Most vessels that would be subject to the subpart are already supplying this information under the joint United States and Canadian voluntary guidelines issued on March 15, 1991. Approximately 200 vessels per year would be subject to the proposed subpart. It is estimated that it would take 30 minutes to complete the proposed reporting and collection information requirements. Since many masters of vessels subject to the proposed subpart would be submitting the information to Canada voluntarily, photocopies of the information for the same voyage would be accepted.

The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under "ADDRESSES."

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12812 and has determined that this proposal does not have sufficient federalism implications

to warrant preparation of a Federalism Assessment.

The authority to issue regulations requiring ballast water management practices for vessels entering the Great Lakes has been committed to the Coast Guard by the Act. Standardizing the minimum requirements for vessels entering the Great Lakes after operating in waters beyond the EEZ is necessary to effectively prevent further introductions of nonindigenous species. Therefore, if this rule becomes final, the Coast Guard intends it to preempt state and local regulations that are inconsistent with the requirements of this proposed rule. These regulations were developed in consultation with the Task Force which is charged with coordinating action among, and providing technical assistance to, regional, State, and local entities regarding environmentally sound approaches to prevention and control of aquatic nuisance species. Additionally, in accordance with the Act, the Coast Guard has consulted with the Government of Canada throughout the development of the guidelines and regulations in order to develop an effective international program.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not necessary. An Environmental Assessment and a draft Finding of No Significant Impact are available for inspection or copying where indicated under "ADDRESSES." The exchange of ballast water in the open ocean would benefit the Great Lakes environment by helping to prevent the further introduction of nonindigenous nuisance species through the ballast water of vessels, which has caused millions of dollars of damage to date. Initial study has concluded that the discharging of vessels' seawater ballast into Great Lakes ports does not constitute a sufficiently high volume of water to change the salinity or temperature levels of the local waters. Species contained in water collected from the open ocean are unlikely to survive a fresh water environment. Therefore, the Coast Guard concluded that the proposed regulations would have no significant impact on the environment. The Coast Guard solicits comments on the potential environmental impact of the proposed requirements.

List of Subjects in 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties,

Reporting and recordkeeping requirements, Water pollution control.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 151 as follows:

1. The heading for part 151 is revised to read as follows:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

2. Subpart C is added to part 151 to read as follows:

Subpart C—Ballast Water Management for Control of Nonindigenous Species

Sec.

- 151.1500 Purpose.
- 151.1502 Applicability.
- 151.1504 Definitions.
- 151.1506 Restriction on operation.
- 151.1508 Revocation of clearance.
- 151.1510 Ballast water management.
- 151.1512 Vessel safety.
- 151.1514 Exemption from ballast water management.
- 151.1516 Compliance monitoring.

Subpart C—Ballast Water Management for Control of Nonindigenous Species

Authority: 16 U.S.C. 4711; 49 CFR 1.46.

§ 151.1500 Purpose.

The purpose of this subpart is to implement the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*).

§ 151.1502 Applicability.

This subpart applies to each vessel that carries ballast water, and which after operating on the waters beyond the Exclusive Economic Zone is inbound for the Saint Lawrence River destined for a United States port on the Great Lakes.

§ 151.1504 Definitions.

The following definitions are for terms used in this subpart:

Ballast water means any water and associated sediments used to manipulate the draft, trim, or stability of a vessel.

Captain of the Port (COTP) means the United States Coast Guard officer commanding a COTP zone described in part 3 of this chapter, or that person's authorized representative.

Commandant means the Commandant of the Coast Guard or an authorized representative.

District Commander means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in part 3 of

this chapter or an authorized representative.

Environmentally sound method means methods, efforts, actions, or programs, either to prevent introductions or to control infestations of aquatic nuisance species, that minimize adverse impacts to the structure and function of an ecosystem and minimize adverse effects on non-target organisms and ecosystems and that emphasize integrated pest management techniques and non-chemical measures.

Exclusive Economic Zone (EEZ) means the area established by Presidential Proclamation 5030, dated March 10, 1983 (3 CFR, 1983 Comp., p. 22), which extends from the base line of the territorial sea of the United States seaward 200 miles.

Great Lakes means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels.

Port means a terminal or group of terminals, port authority or other organization, or any place or facility that has been designated as a port by the COTP.

§ 151.1506 Restriction on operation.

No vessel subject to the requirements of this subpart, may be operated in the Great Lakes unless the master of the vessel has certified, in accordance with § 151.1516, that the requirements of this subpart have been met.

§ 151.1508 Revocation of clearance.

A District Commander may request the District Director of Customs to withhold or revoke the clearance required by 48 U.S.C. App. 91 for a vessel subject to this subpart, the owner or operator of which is not in compliance with the requirements of this subpart.

§ 151.1510 Ballast water management.

(a) The master of each vessel subject to this subpart shall employ one of the following ballast water management practices:

(1) Carry out an exchange of ballast water on the waters beyond the EEZ, in an ocean depth of not less than 1.25 miles (2,000 meters), prior to entry into any United States port within the Great Lakes. When a vessel is discharging ballast water, preparatory to an exchange, the pump must be run until it loses suction, thus assuring that the tank

is as empty as practicable before taking on new ballast water.

(2) Use an alternative environmentally sound method of ballast water management. Any alternative method must be submitted to, and approved by, the COTP in charge of the first United States port that the vessel will enter, before the vessel enters the Great Lakes.

(b) Sediment from ballast water tanks of each vessel arriving from a foreign port must be disposed of ashore in accordance with local requirements.

(c) Nothing in this subpart authorizes the discharge of oil or noxious liquid substances (NLSs) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLSs, or any other pollutant must discharge in accordance with the applicable regulations. Nothing in this subpart affects or supersedes any requirement or prohibitions pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

§ 151.1512 Vessel safety.

Nothing in this subpart relieves the master of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

§ 151.1514 Exemption from ballast water management.

The master of any vessel subject of this subpart unable to exchange ballast water before entering the territorial waters of the United States, due to weather, equipment failure, or other extraordinary conditions must request from the COTP of the first United States port that the vessel will enter, permission to—

(a) Retain the vessel's ballast water on board the vessel; or

(b) Discharge the vessel's ballast water within an area designated by the COTP at the time of the request.

§ 151.1516 Compliance monitoring.

(a) The master of each vessel subject to this subpart shall provide the following information, in written form, to the Lockmaster at the Snell Lock at Massena, New York:

(1) The vessel's name, port of registry, and official number or call sign.

(2) The name of the vessel's owner(s).

(3) Whether ballast water is being carried.

(4) The original location and salinity, if known, of ballast water taken on, before an exchange.

(5) The location, date, and time of by ballast water exchange.

(6) If known, the salinity of the ballast water to be discharged into the territorial waters of the United States.

(7) The intended discharge port for ballast water and location for disposal of sediment carried upon entry into the territorial waters of the United States.

(8) The signature of the master attesting to the accuracy of the information provided and certifying compliance with the requirements of this subpart.

(b) A photocopy of a submission of the information, required in paragraph (a) of this section, for the same voyage, to a State, local, or foreign government agency, is acceptable to fulfill this requirement.

(c) Coast guard officials may take samples of the ballast water to assess the compliance with, and the effectiveness of this part.

Dated: September 25, 1992.

A.E. Henn,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-23973 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 07-92-86]

Safety/Security Zone: Cumberland Sound, Georgia and St. Marys River Entrance Channel

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to change the boundaries of the permanent safety/security zone and the temporary safety/security zone described in the above referenced Code of Federal Regulation. The proposal reduces the area of the permanent safety/security zone and changes a portion of it to a temporary safety/security zone. The affected area of the safety/security zone is difficult to patrol at low tide and current "signs" are inadequate to warn boaters. This change will open areas for recreational use and reduce patrol requirements without affecting security.

DATES: Comments must be received on or before November 16, 1992.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office, 2831 Talleyrand Avenue, Jacksonville, FL 32206-3497. The comments and other materials referenced in this notice will be available for inspection and copying at MSO Jacksonville, room 222, 2831 Talleyrand Avenue, Jacksonville, FL.

Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR G. W. Dunton (904) 232-2648.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice *Docket Number 07-92-86* and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are LCDR G. W. Dunton, Project Officer, and LT Jacqueline M. Losego, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Proposed Regulations

This proposed change reduces the area affected by the permanent safety/security zone. While the temporary area will be increased, it will only be increased by that area that is currently within the permanent zone. This proposal is made pursuant to the request of the Commanding Officer, Naval Submarine Base, Kings Bay due to a reassessment of its threat conditions and patrol missions.

This regulation is issued pursuant to 50 U.S.C. 191, 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 28, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The net change in Safety/Security zone coverage is not reduced. The permanent area is reduced and the area removed from the permanent zone is placed into the

temporary Safety/Security zone. Increased recreational use of the affected zone will have a negligible economic impact.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-8, and 160.5.

2. Section 165.731 is revised to read as follows:

§ 165.731 Safety/Security Zone: Cumberland Sound, Georgia and St. Marys River Entrance Channel.

(a) *Location.* A permanent safety/security zone is established within the following coordinates, the area enclosed by a line starting at

30° 44'55" N, 081° 29'39" W; thence to 30° 44'55" N, 081° 29'18" W; thence to 30° 46'35" N, 081° 29'18" W; thence to 30° 47'02" N, 081° 29'34" W; thence to 30° 47'21" N, 081° 29'39" W; thence to 30° 48'00" N, 081° 29'42" W; thence to 30° 49'07" N, 081° 29'56" W; thence to 30° 48'54" N, 081° 32'25" W; thence following the land base perimeter boundary to point of origin.

(b) A temporary safety/security zone, when activated by the Captain of the Port, Jacksonville, Florida, encompasses all waters and land from bank to bank within Cumberland Sound and the St. Marys Entrance Channel: the northern extent of this zone starts at the southern tip of Crab Island; lighted buoy number "1" at the mouth of the Amelia River demarks the southern boundary; daymarker number "2" at the mouth of the St. Marys River indicates the western boundary; and the eastern boundary extends out to three (3) nautical miles in the Atlantic Ocean, with the zone also encompassing the waters within 1000 yards of the entrance channel east of the jetties and shall additionally encompass the area enclosed by a line starting at

30° 44'55" N, 081° 29'39" W; thence to 30° 44'55" N, 081° 29'18" W; thence to 30° 46'35" N, 081° 29'18" W; thence to 30° 47'02" N, 081° 29'34" W; thence to

30° 47'21" N, 081° 29'39" W; thence to 30° 48'00" N, 081° 29'42" W; thence to 30° 49'07" N, 081° 29'56" W; thence to 30° 49'55" N, 081° 30'35" W; thence to 30° 50'15" N, 081° 31'08" W; thence to 30° 50'14" N, 081° 31'30" W; thence to 30° 49'58" N, 081° 31'45" W; thence to 30° 49'58" N, 081° 32'03" W; thence to 30° 50'12" N, 081° 32'17" W; thence following the land base perimeter boundary to the point of origin.

(c) *Regulations.* (1) The Captain of the Port, Jacksonville, Florida will activate the temporary safety/security zone described in paragraph (b) of this section by issuing a local broadcast notice to mariners.

(2) All persons and vessels in the vicinity of the safety/security zone shall immediately obey any direction or order of the Captain of the Port, Jacksonville, Florida.

(3) The general regulations governing safety and security zones contained in 33 CFR 165.23 and 165.33 apply. No person or vessel may enter or remain within the designated zones without the permission of the Captain of the Port, Jacksonville, Florida.

(4) This regulation does not apply to persons or vessels operating under the authority of the United States Navy nor to authorized law enforcement agencies.

Dated: August 24, 1992.

J.P. Wysocki,
Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, Florida.

[FR Doc. 92-23975 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 4516-8]

Establishment and Open Meeting of the Negotiated Rulemaking Advisory Committee for Architectural and Industrial Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Establishment of FACA Committee and meeting announcement.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice of the establishment of an Advisory Committee to negotiate a rule to control VOC emissions from Architectural and Industrial Maintenance Coatings under section 183(e) of the Clean Air Act, as amended. We are also announcing the Committee's first meeting on October 15 and 16. Its purpose is to finalize and begin work on the issues relevant to this

rule. The Committee meeting is open to the public without need for advance registration.

DATES: The October 15 meeting will start at 9 a.m. and end at 5 p.m. The October 16 meeting will start at 8 a.m. and end no later than 2 p.m.

ADDRESSES: The meeting will be the Hyatt Regency Hotel, 151 East Wacker Drive, Chicago, Illinois 60601, (312) 565-1234.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on substantive aspects of the rule should contact Ellen Ducey, Office of Air Quality Planning and Standards, EPA, (919) 541-5408. Persons needing further information on procedural matters should contact Barbara Stinson, the Committee Co-Chair, at (303) 468-5822.

Dated: August 28, 1992.

Chris Kirtz,
Director, Consensus and Dispute Resolution Program.

[FR Doc. 92-24094 Filed 10-1-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[FRL-4514-4]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environment Protection Agency.

ACTION: Notice of intent to delete Rose Park Sludge Pit Site from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VIII announces its intent to delete the Rose Park Sludge Pit Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of Utah have determined that all appropriate response actions have been implemented and that no further cleanup by responsible parties is appropriate at this time. Moreover, EPA and the State have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning this site may be submitted on or before November 6, 1992.

ADDRESSES: Comments may be mailed to: Robert L. Duprey, Director, Hazardous Waste Management Division, U.S. Environment Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466.

Comprehensive information on this site including the deletion docket is available at the EPA Region VIII Superfund Records Center or at the Rose Park Sludge Pit Site information repository. This information is available for public inspection and copying. Requests for documents should be directed to the EPA Region VIII Superfund Records Center at the EPA Region VIII office.

The address for the Regional records center is: Superfund Records Center, U.S. Environment Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466, Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

The Rose Park Sludge Pit Site information repository is located at: Utah Department of Environmental Quality, Division of Environmental Response and Remediation, 1950 West North Temple, Second Floor, Salt Lake City, Utah 84116-4840, Hours: 8 a.m. to 5 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION:

- I. Introduction.
- II. NPL Deletion Criteria.
- III. Deletion Procedures.
- IV. Basis for Intended Site Deletion.

I. Introduction

The Environment Protection Agency (EPA) Region VIII announces its intent to delete the Rose Park Sludge Pit Site, Salt Lake City, Utah from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Response Trust Fund (Fund). Pursuant to § 300.66(c)(8) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments on this site for thirty days after publication of this notice in the *Federal Register*.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.66(c)(7), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

(1) Responsible parties or other persons have implemented all appropriate response actions required; or

(2) All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or

(3) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 105(e) of CERCLA states: "Whenever there has been, after January 1, 1985, a significant release of hazardous substances or pollutants or contaminants from a site which is listed by the President as a 'Site Cleaned Up to Date' on the National Priorities List, the site shall be restored to the National Priorities List without application of the hazard ranking system."

III. Deletion Procedures

In the NPL rulemaking published in the *Federal Register* on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice and comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP that were proposed in the *Federal Register* on February 12, 1985 (50 FR 5862). Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As is mentioned in Section II of this notice, section 105(e) of CERCLA makes clear that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

EPA Region VIII will accept and evaluate public comments before making a final decision to delete a site from the NPL. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community

may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

(1) EPA Region VIII and the State of Utah have agreed to conduct five-year reviews at this site. The first five-year review was completed on June 1, 1992.

(2) EPA Region VIII has recommended deletion and has prepared the relevant documents.

(3) The State of Utah is expected to concur with the deletion decision.

(4) Concurrent with the National Notice of Intent to Delete, a local notice has been published in local and community newspapers and has been distributed to appropriate federal, state and local officials and other interested parties.

(5) The Region has made all relevant documents available in the Regional Office and local site information repository.

The comments received during the notice and comment period will be evaluated before the final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

A deletion will occur at the Assistant Administrator for the Office of Solid Waste and Emergency Response places a notice in the *Federal Register*. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region VIII.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Rose Park Sludge Pit Site, Salt Lake City, Utah.

The Rose Park Sludge Pit is located in North Salt Lake City, an area where oil refineries and industrial facilities have been located since before 1900. The sludge pit was used as a waste disposal site for acidic sludge wastes from petroleum refining operations. Waste was placed in an unlined pit from the 1930's until 1957.

The site was ranked for the NPL in August, 1982. Rose Park Sludge Pit scored 7.46 based on the surface water and groundwater routes. Due to the threat of public exposure and direct contact, the State of Utah requested that EPA consider Rose Park as the State's top priority site. As a result of this request, the site was listed on the NPL on December 30, 1982.

A series of field investigations were conducted between 1979 and 1981. These investigations found waste sludge

as deep as 20 feet, covering an area of about 5.5 acres. Shallow, unconfined groundwater was found at a depth of 8 to 10 feet. In March, 1981, a responsible party (RP) installed six ground-water monitoring wells and collected soil samples from six borings through the sludge pit and surrounding areas.

On October 29, 1992, EPA, Utah State Department of Health, Salt Lake City Corporation, Salt Lake City/County Health Department and Amoco Oil Company entered into an Intergovernmental Corporate Cooperation Agreement (ICCA) to conduct remedial actions at the site. All remedial actions at the site were conducted under the ICCA and there is not a Record of Decision (ROD) associated with this site.

The remedy consisted of installing additional monitoring wells, constructing a bentonite slurry wall around the pit and capping the pit with a sand layer, fabric membrane, clay layer and a vegetated soil cover. A traffic barrier and signs identifying the containment structure were installed. All required remedial actions were completed by October, 1984. Provisions in the ICCA required Salt Lake City, the property owner, to maintain, supervise and care for the site. The agreement was recorded in the records of Salt Lake County.

The ICCA included a 30 year groundwater monitoring plan to ensure the continued protection of groundwater and to monitor for possible releases of contaminants from the sludge pit. The monitoring plan provides for annual monitoring for indicator parameters as specified in the plan. Due to problems with the original monitoring plan, a new monitoring plan was developed and implemented in 1992. This plan requires the installation of additional monitoring wells and more detailed groundwater sampling and analysis.

Though not required in the ICCA, Amoco Oil Company has committed to conduct the long term monitoring of the site. Amoco and the State of Utah will formalize Amoco's commitment in an agreement prior to the final deletion.

A community relations plan was developed for the site. The ICCA required the parties to hold a public meeting for the purpose of informing the public and Rosewood Park area residents about the remedy and allowing for comments and input. A meeting was held in February, 1983. The community relations plan was updated in 1992 in conjunction with the five-year review to provide for activities related to the review and deletion.

EPA conducted a five-year review of the site in 1992. This review confirmed

the remedy remains protective of human health and the environment. Direct contact exposure is prevented by the cap and groundwater is protected from further degradation by the slurry wall. The monitoring data found no contamination related to the sludge pit in the groundwater exceeding MCLs (maximum contaminant levels for drinking water as established by the Safe Drinking Water Act) or health based standards. The next five-year review is scheduled for April, 1997 or earlier if appropriate.

EPA, with concurrence of the State of Utah, has determined that all appropriate responsible party responses under CERCLA at the Rose Park Sludge Pit Site have been implemented, and that no further cleanup by responsible parties is appropriate at this time.

Dated: September 22, 1992.

Jack W. McGraw,

Acting Regional Administrator, USEPA
Region VIII.

[FR Doc. 92-23902 Filed 10-1-92; 9:45 am]

BILLING CODE 6560-59-M

40 CFR Part 300

[FRL-4515-8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete ARRCOM from the National Priorities List; Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the ARRCOM site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986. EPA and the State of Idaho Department of Health and Welfare (IDHW) have determined that the ARRCOM site poses no significant threat to public health or the environment and, therefore, further remedial measures are not appropriate.

DATES: Comments concerning this site may be submitted on or before November 2, 1992.

ADDRESSES: Comments may be mailed to Fran Allans, U.S. EPA Region 10, 422 W. Washington, Boise Idaho 83702.

Comprehensive information on this site is available through the Region 10 Deletion Docket, which is located at EPA's Region 10 office and is available for viewing by appointment only from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. Appointments for copies of the background information from the Regional public docket should be directed to the EPA Region 10 docket office at the following address: Lynn Williams, United States Environmental Protection Agency, Region 10 Hazardous Waste Division Records Center, 1200 6th Avenue, Seattle, Washington 98101.

The Deletion Docket is also available for viewing at the ARRCOM site information repository at the following location: Rathdrum Library, 1991 Main, Rathdrum, Idaho 83858.

FOR FURTHER INFORMATION CONTACT: Fran Allans, U.S. EPA Region 10, 422 W. Washington, Boise, Idaho 83702. (208) 334-9047.

SUPPLEMENTARY INFORMATION:

- I. Introduction.
- II. NPL Deletion Criteria.
- III. Deletion Procedures.
- IV. Basic of Intended Site Deletion.

I. Introduction

The United States Environmental Protection Agency (EPA) Region 10 announces its intent to delete the ARRCOM site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Contingency Plan ("NCP"), 40 CFR part 300, and requests comments on this proposed deletion. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment. EPA may delete a site from the NPL if it determines that no further response is required to protect human health and the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site are later found to warrant such actions.

The ARRCOM NPL site is an abandoned waste oil recycling facility located 2.5 miles southwest of the City of Rathdrum, in Kootenai County, Idaho. The property consists of approximately 1.2 acres in the central region of Section 10, Township 51 South, Range 5 West. It is situated in a rural residential neighborhood with an estimated eight residences located within a one-half mile radius to the north, east, and west. One residential property is adjacent to the northern edge of the site. The site is

bounded to the southeast by Highway 53, a Northern Pacific Railroad mainline, and agricultural lands used primarily for growing forage clops. Although there are no surface water bodies on or in the near vicinity of the ARRCOM site, the marshy drainage basin of Lost Creek is located 0.3 mile to the north/northeast. The site is not fenced.

The ARRCOM site is located over the Spokane Valley-Rathdrum Prairie Aquifer, the sole source for public and private drinking water for approximately 350,000 people in Idaho and Washington. Approximately 6,300 of these people live in the primarily rural residential area within three miles of the site.

The site was operated as a waste oil recycling facility from the early 1960s until it was abandoned in 1982. During operation, waste oils were transported by truck to the site, underwent processing, and were sold. Waste oil and recycled oil were stored in 27 tanks and 4 truck tanks. Contamination of the environment occurred as a result of oil spills from the operation and from leaking oil storage tanks. Sludge and waste oils were discarded in at least three disposal pits on the property and were spread on an on-site road.

In August 1982, approximately seven months after the ARRCOM facility was abandoned, EPA conducted a preliminary investigation of the site. During this investigation, a number of oil storage tanks were found to be leaking and in general disrepair. Preliminary sampling of the site indicated the waste oils and soils at the facility were contaminated with high levels of solvents, lead and polychlorinated biphenyls (PCBs), and a potential for groundwater contamination existed. Based on this information, the site was proposed for inclusion on the National Priorities List (NPL) in December 1982 and received a final NPL listing in September 1983.

Because of the exceptionally high levels of contaminants and large volumes of waste oils and sludges, emergency response activities were initiated under EPA's removal program in 1983 to stabilize the site. A three phased removal action was performed at the ARRCOM site in 1983, 1987 and in 1990. The removal actions accomplished the following:

1983: Removal of 9,700 gallons of waste oils from tanks and 137 cubic yards of contaminated soils.

1987: Removal of 13,255 gallons of waste oils and sludges from tanks and disposal pits and 2,000 cubic yards of contaminated soils.

1990: Removal of 1,653 tons of contaminated soils.

During the three phases of the removal action, contaminated soils and sludge disposal pits were excavated to depths ranging from 1 to 20 feet below ground surface at different locations of the site. Soils, waste oils, tanks and buildings were removed and shipped to off-site hazardous waste landfill and incinerator facilities. Surface soil and waste oils were sampled prior to the 1983 removal and before and after the 1987 and 1990 removals.

As part of the 1982 preliminary investigation and the 1987 removal action, residential groundwater wells in the immediate vicinity of the site were sampled. Groundwater monitoring wells were installed at the site in 1987 and samples were collected in 1987, 1989, 1990, and 1992.

In 1991, EPA performed a comprehensive assessment of the site data generated during the preliminary investigation and removal actions and conducted a limited sampling effort to fill important data gaps. This information was used to evaluate the nature and extent of contamination and to assess risks to human health and the environment resulting from contaminants remaining on-site after the removal actions. The data suggest that concentrations of contaminants in soils were significantly reduced during the removals and that low levels of organic and inorganic contaminants remain in the soils below excavated areas at depths ranging from 1 foot to 25 feet below ground surface. Because the frequency of occurrence of the contaminants on a sitewide basis is low; and because the majority of contaminants are located 25 feet below ground surface beneath clean fill, EPA has concluded that the remaining soil contaminants do not pose an unacceptable current or future direct contact risk if left in place.

Samples collected from residential groundwater wells in 1982 and 1987, and the samples from on site monitoring wells collected in 1987, 1989, 1990, and 1992, showed no site-related contaminants of concern in the groundwater. Modelling indicated that only one contaminant of concern, 1,1,2,2-tetrachloroethane, could potentially leach from site soils in the future and eventually reach the groundwater. However, the risk assessment indicated that the potential future groundwater concentration would fall within EPA's acceptable cancer risk range for a future residential land use scenario.

As part of the risk assessment, the potential adverse impacts of soil

contaminants on local plants and animals were qualitatively assessed. Potential receptors and exposure scenarios were evaluated and it was determined that because areas with contaminants remaining on-site are at significant depth beneath clean fill, the ARRCOM site does not pose a risk to ecological receptors or habitats.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with § 300.425(e) of the NCP, 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

- (1) Responsible parties or other persons have implemented all appropriate response actions required;
- (2) All appropriate Fund-financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate, or
- (3) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

It is EPA's policy that even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of ARRCOM, where hazardous substances are not above health based levels and future access does not require restriction, five-year reviews will not be conducted. However, if new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this site: (1) EPA Region 10 issued a Record of Decision dated June 30, 1992, which

found that no remedial action is required at the site because, following a number of removals, it no longer presents a significant threat; (2) IDHW has concurred with the proposed deletion decision; (3) a notice has been published in the local newspapers and has been distributed to appropriate federal, state and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete, and (4) all relevant documents have been made available in the local site information repositories.

Deletion of the site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this Notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. The Agency will prepare a Responsiveness Summary if significant public comments are offered.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

Based on the results of the comprehensive assessment of the removal data, and the supplemental sampling and risk assessment, EPA determined that the ARRCOM site does not pose a significant threat to public health or the environment. In the Proposed Plan, issued for the site on May 22, 1992, EPA recommended that no remedial action be taken. The State of Idaho concurred with this recommendation.

CERCLA requirements under Sections 113(k)(2)(B)(i-v) and 117, 42 U.S.C. 9613 and 9617 for public participation include releasing the risk assessment report and the Proposed Plan to the public and providing a public comment period to allow for public participation in the decision-making process. EPA met these requirements by releasing these documents to the public in May 1992. These documents were made available by placing them in the information repository in the Ratbdrum Public Library and EPA office in Seattle. Notice of a 30 day public comment period on

the Proposed Plan was placed in the Statesman Review newspaper. No comments were received during the 30 day public comment period and on June 30, 1992, EPA issued a No Further Action Record of Decision for the ARRCOM site. The no further action decision does not result in hazardous substances, pollutants, or contaminants remaining at the site above health based levels. Accordingly, EPA will not conduct "five-year reviews" at this site.

As previously stated, one of the three criteria for deletion specifies that EPA may delete a site from the NPL if the "remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate." EPA, with concurrence of IDHW, believes that this criterion for deletion has been met based on the results of the comprehensive assessment of the removal data, and the supplemental sampling and risk assessment. Therefore, EPA is proposing deletion of the ARRCOM site from the NPL. Documents supporting these actions are available at the designated information repositories.

Dated: September 15, 1992.

Dana Rasmussen,
Regional Administrator, Region 10.
[FR Doc. 92-23903 Filed 10-1-92; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-217, RM-8069]

Radio Broadcasting Services; Camden, East Camden and Stamps, AR; Minden, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Y95 Radio, Inc., licensee of Station KCXY(FM), Channel 237A, Camden, Arkansas, seeking the reallocation of Channel 237A to East Camden, AR, as a Class C1 channel and modification of its license accordingly. Petitioner also requests the substitution of Channel 282A for Channel 236A at Stamps, AR, a vacant allotment for which an application is pending; and the substitution of Channel 239A for Channel 237A at Minden, LA, and modification of the license of Cook Enterprises, Inc. ("Cook") for Station KASO-FM. An Order to Show Cause

must be issued to Cook since it has not agreed to the proposed substitution at Minden. Coordinates for Channel 237C1 at East Camden, AR, are 33-30-14 and 92-48-38; for Channel 282A at Stamps, AR, 33-23-20 and 93-37-38; and for Channel 239A at Minden, LA, 32-37-50 and 92-16-56. See **SUPPLEMENTARY INFORMATION, infra.**

DATES: Comments must be filed on or before November 19, 1992, and reply comments on or before December 4, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Mark E. Fields, Esq., Law Office of Mark E. Fields, 1825 I Street, NW., Suite 400, Washington, DC 20006.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commissioner's Notice of Proposed Rule Making, MM Docket No. 92-217, adopted September 1, 1992, and released September 28, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1900 M St., NW., suite 640, Washington, DC 20036.

Petitioner's modification proposal complies with the provisions of §§ 1.420 (g) and (i) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of Channel 237C1 at East Camden, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 63

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-23894 Filed 10-1-92; 8:45 am]

BILLING CODE 6712-01-M

**INTERSTATE COMMERCE
COMMISSION****49 CFR Part 1039**

[Ex Parte No. 346 (Sub-No. 28)]

**Rail General Exemption Authority:
Export Corn and Export Soybeans****AGENCY:** Interstate Commerce
Commission.**ACTION:** Proposed rule; extension of
comment due date.

SUMMARY: By decision served July 15, 1992 (57 FR 31489, July 16, 1992), the Commission sought public comment by August 17, 1992, on whether to exempt from regulation the rail transportation of export corn and soybeans. The Commission has concluded, preliminarily, that regulation of rail transport of export corn and export soybeans is not necessary to carry out the rail transportation policy. The proposal is intended to eliminate burdensome regulatory oversight. As discussed more fully in the Supplementary Information section below, the comment due date is being extended to December 15, 1992.

DATES: Comments are due on December 15, 1992.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 346 (Sub-No. 28) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927-5610, [TDD for the hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: The comment due date has been extended a number of times in this proceeding. The Commission granted a 30-day extension request filed by the Association of American Railroads by decision served and published July 29, 1992 (57 FR 33478), extending the comment due date to September 18, 1992. By decision served August 31, 1992 (57 FR 39663, September 1, 1992) the comment due date was extended an additional 30 days to October 18, 1992, at the request of a number of parties, including the U.S. Department of Agriculture (USDA),

which had sought a 90-day extension. An August 22, 1992 request filed by the National Grain and Feed Association to postpone the comment due date was denied by a decision served September 9, 1992. In a decision served September 29, 1992, the September 9 decision was upheld on appeal.

On September 22, 1992, USDA filed a petition requesting a further 60-day extension of the current comment due date. USDA indicates additional time is needed to collect and provide to the Commission additional data regarding the effect of the proposed exemption on the domestic farm economy. USDA maintains it is important to evaluate fully the proposal's potential impact on specific export promotion programs and activities administered by USDA, including the export enhancement program, the GMS export credit program, and the market promotion program, which all may be affected by the proposed change in transport regulations. USDA also notes it maintains substantial information, both published and unpublished, on grain marketing and transportation that the Commission relied on extensively in drafting the subject proposal and that should be made available for consideration in this proceeding.

As noted above, USDA was one of the parties previously seeking a 90-day extension, but only a 30-day extension was granted. USDA's prior extension request was very general, however, and did not merit the full 90-day extension sought. By contrast, the instant extension request is specific and compelling and will, therefore, be granted.

Decided: September 28, 1992.

By the Commission, Sidney L. Strickland, Jr., Secretary.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 92-23967 Filed 10-1-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric
Administration****50 CFR Part 675****Groundfish Fishery of the Bering Sea
and Aleutian Islands Area**

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

ACTION: Notice of availability of
amendment to fishery management plan;
request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted a revised Amendment 18 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands (BSAI) Area for review by the Secretary of Commerce (Secretary). Comments are requested from the public. Copies of the revised amendment and the regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) may be obtained from the Council (see "ADDRESSES").

DATES: Comments on the amendment should be submitted on or before October 29, 1992.

ADDRESSES: Comments should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, Alaska 99802 or delivered to the Federal Building Annex, suite 6, 9109 Mendenhall Mall Road, Juneau, Alaska. Copies of revised Amendment 18 to the FMP and the RIR/IRFA are available on request from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (telephone 907-271-2809).

FOR FURTHER INFORMATION CONTACT: Jay J.C. Ginter, Fishery Management Biologist, Alaska Region, NMFS at 907-586-7228.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801 *et seq.*) requires that each regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to the Secretary for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires the Secretary, on receiving the plan or amendment, to immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments received during the comment period in determining whether to approve revised Amendment 18.

If approved, revised Amendment 18 to the BSAI FMP would:

(1) Allocate the pollock total allowable catch (TAC), after subtraction of the reserve, to inshore and offshore components of the fishery as follows:
35 percent for inshore and 65 percent for offshore in 1993; and
37.5 percent for inshore and 62.5 percent for offshore in 1994 and 1995.

(2) Continue the catcher vessel operational area (CVOA) established within the BSAI area (57 FR 23321, June 3, 1992) for the pollock non-roe (or "B") season (June 1-December 31), within which access to pollock is limited to

catcher vessels and motherships only. The CVOA is located in the Bering Sea subarea south of 56°00' N. latitude and between 163°00' and 168°00' W, longitudes. Catcher/processor vessels in the offshore component would not be allowed to conduct fishing operations for pollock in the CVOA during the "B" season.

If implemented, Amendment 18 would cease to have effect at midnight, Alaska local time, December 31, 1995.

Regulations proposed by the Council to implement these amendments are scheduled to be published within 10 days of this notice.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: September 28, 1992.

David S. Crestin,

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

[FR Doc. 92-23941 Filed 9-29-92; 3:16 pm]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 57, No. 192

Friday, October 2, 1992

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

DEPARTMENT OF AGRICULTURE

Types and Quantities of Agricultural Commodities To Be Made Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 in Fiscal Year 1993

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This Notice sets forth the determination of the Secretary of Agriculture of the types and quantities of agricultural commodities to be made available for donation overseas under section 416(b) of the Agricultural Act of 1949, as amended, during fiscal year 1993.

FOR FURTHER INFORMATION CONTACT: Glenn Whiteman, Acting Director, Program Analysis Division, Office of the General Sales Manager, FAS, USDA (202) 720-3573.

Determination

The kinds and quantities of commodities that shall be made available for donation under section 416(b) of the Agricultural Act of 1949 are as follows:

	Commodity	Quantity (metric tons)
Grain	Wheat (feed quality).....	1,800,000
	Corn	381,000
Dairy products.....	Butter/Butteroil *	80,000

* At least 40,000 metric tons must be butter.

Done at Washington, DC, this 25th day of September 1992.

Charles R. Hilty,

Acting Secretary of Agriculture.

[FR Doc. 92-23909 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-01-M

Food and Nutrition Service

The Emergency Food Assistance Program and Soup Kitchens; Availability of Commodities for Fiscal Year 1993

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces: (1) The surplus and purchased commodities that will be available for donation to households under the Emergency Food Assistance Program (TEFAP); and (2) the commodities that will be available to soup kitchens and food banks. The commodities made available under this notice shall be directed to needy persons, including unemployed and homeless persons.

EFFECTIVE DATE: October 1, 1992.

FOR FURTHER INFORMATION CONTACT:

Philip K. Cohen, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594 or telephone (703) 305-2660.

SUPPLEMENTARY INFORMATION:

Background and Need for Action

Surplus Commodities

Donations of commodities to needy households were initiated in 1981 as part of efforts to reduce stockpiles of government-owned commodities. These donations responded to concern over the costs to taxpayers of storing vast quantities of foods, while at the same time there were persons in need of food assistance. The Emergency Food Assistance Program was codified in Title II of Public Law 98-8, the Emergency Food Assistance Act (EFAA) of 1983, as amended (7 U.S.C. 612c note). Surplus foods made available for distribution under the EFAA are limited to amounts determined by the Secretary to be in excess of the quantities needed to carry out other programs, including Commodity Credit Corporation (CCC) sales obligations and domestic food assistance programs. The Secretary of Agriculture anticipates that the following surplus commodities acquired by the CCC under its price-support activities will be made available in the noted amounts for distribution through TEFAP during Fiscal Year 1993: Butter,

72 million pounds; and cornmeal, 48 million pounds. The actual types and quantities of commodities made available by the Department may differ from the above estimates because of agricultural production, market conditions and the distribution of these donated foods to other domestic outlets.

Purchased Commodities

In recent years, the supply of available surplus commodities has been drastically reduced. These reductions are the result of changes in the agricultural price-support programs which have brought supply and demand into better balance, and accelerated donations and sales. Congress responded to the reduced availability of surplus commodities with section 104 of the Hunger Prevention Act of 1982, Public Law 100-435, which added sections 213 and 214 to the EFAA. Those sections required the Secretary to annually purchase, process, and distribute commodities for household consumption in addition to those surplus commodities otherwise provided under TEFAP. In section 110 of the Hunger Prevention Act, Congress also required the Secretary to purchase, process and distribute commodities for soup kitchens and food banks. USDA purchases commodities for these programs based in part on annual reports completed by State distributing agencies. For soup kitchen and food bank outlets, State agencies have expressed a preference to receive a greater variety of commodities; for TEFAP, State agencies prefer volume to variety.

For Fiscal Year 1993, \$120 million has been appropriated for purchasing, processing, and distributing additional commodities for household use. The Department anticipates purchasing for distribution to households through TEFAP during this fiscal year peanut butter, raisins, rice, dry bagged beans, and the following canned foods: peas, green beans, applesauce, orange juice, pork and beef. The amounts of each item purchased will depend on the prices USDA must pay.

For Fiscal Year 1993, \$32 million has been appropriated to purchase, process, and distribute commodities for distribution to soup kitchens and food banks. For such outlets, the Department anticipates the purchase of nonfat dry milk, and the following canned foods: Mixed fruit, pineapple, applesauce,

tomato juice, corn, green beans, peas, pork and/or beef, and chicken. The amounts of each item purchased will depend on the prices USDA must pay.

Dated: September 28, 1992.

Phyllis Gault,

Associate Administrator

[FR Doc. 92-23952 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Exemption of Genesis New Perspectives Demonstration Timber Sales From Appeal, Malheur National Forest, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice to exempt decisions from administrative appeal.

SUMMARY: This is a notification that the decision to implement the Genesis new Perspectives Demonstration Timber Sales in the areas of Dixie Mountain on the Malheur National Forest is exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published January 23, 1989 at Vol. 54, No. 13 pages 3342-3370.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT:

Mark A. Boche, Forest Supervisor, Malheur National Forest, 139 NE Dayton Street, John Day, Oregon 97845.

SUPPLEMENTARY INFORMATION: From 1983 to this year an infestation of Western Spruce Budworm have been affecting major portions of the Malheur National Forest. To date, approximately 420,000 acres are affected on the forest. In April 1991, an interdisciplinary team (IDT) surveyed much of the infested area to assess the damage to the resources that had occurred in the Dixie Mountain area. The IDT identified the need to salvage the timber which has died in as short a time as possible so the logs would remain merchantable. Merchantable timber in the area averages 12 inches in diameter at breast height with moderate defect. Rapid drying of insect-killed trees is resulting in cracking or checking, especially of the smaller diameter trees, which will quickly reduce value as sawlogs.

It is also desirable to complete the logging quickly to begin artificial regeneration as soon as possible, establishing new stands more quickly.

The environmental analysis of these actions begun in September 1, 1991. After public meetings, and contacts with individuals and State and Federal agencies, the following major issues were identified: Silvicultural treatments; access management; riparian habitat;

soils and watershed values; visual resource; old growth; reintroduction of fire; big game cover; and logging systems and economics.

The Genesis IDT developed five alternatives to analyze, including the No Action Alternative. The effects of these alternatives are disclosed in an Environmental Assessment which was prepared for the proposal. The Proposed Action (Alternative A) would harvest about 2,943 acres of heavily infested land and produce about 13.1 MMBF of timber and 5.1 MMCF of wood fiber. No specified roads will be constructed and less than 1 mile(s) of temporary roads would be constructed. This alternative protects and enhances riparian and aquatic habitat by implementing helicopter yarding of approximately 980 acres to reduce soil and riparian impacts.

Biological evaluations have been completed for all plant, wildlife and fish Proposed, Endangered, Threatened and Sensitive species within both project areas. All Biological Evaluations indicated that projects could proceed as planned.

The sale and accompanying work is designed to accomplish the objectives identified as quickly as possible and minimize the amount of salvage volume lost. To expedite this sale project and the accompanying work, and to prevent delays by appeals, the process according to 36 CFR part 217 is being followed.

Under this Regulation the following is exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good cause exists to exempt such decisions from review under this part.

This project will not be subject to review under 36 CFR part 217. Upon publication of this notice, the Decision Notice for the Genesis New Perspectives Demonstration Project Timber Sales will be signed by the Forest Supervisor.

Dated: September 24, 1992.

Richard A. Ferraro,

Deputy Regional Forester.

[FR Doc. 92-23670 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-11-M

Packers and Stockyards Administration

Certification of Central Filing System—Colorado

The Statewide central filing system of Colorado is hereby certified, pursuant to section 1324 of the Food Security Act of 1985, on the basis of information submitted by Kenton Kuhn, President, Central Filing Systems, Inc., for the following farm products produced in that State:

All Livestock	Sunflower Seeds
Cattle & Calves	Tress
Angora	Triticale
Beefalo	Vetch
Buffalo	Wheat
Chickens	Apples
Ducks	Apricots
Eggs	Cantaloupe
Elk	Cherries
Emu	Grapes
Fish	Honey Dew Melon
Fur Animals	Nectarines
Geese	Peaches
Hogs	Pears
Horses	Plums
Llamas	Pumpkins
Milk	Strawberries
Mules	Raspberries
Ostriches	Muskmelon
Pheasants	Watermelon
Quail	Fruit & Vegetables
Semen	Artichokes
Sheep & Lambs	Asparagus
Turkeys	Broccoli
Wool	Cabbage
All Field Crops	Carrots
Hay	Cauliflower
Barley	Celery
Corn	Cucumbers
Dry Beans	Eggplant
Flax Seed	Green Peas
Honey	Green Beans
Legumes	Lettuce
Millet	Okra
Oats	Onions
Popcorn	Pecans
Potatoes	Peppers
Rye	Radishes
Safflower	Snap Beans
Seed Crops	Squash
Silage	Sweet Corn
Sorghum Grain	Tomatoes
Soybeans	Turnips
Sugar Beets	Walnuts

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99-198, 89 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.17(e)(3), 2.56(e)(3), 51 FR 22785.

Dated: September 28, 1992.

Virgil M. Reosendate,

Administrator, Packers and Stockyards Administration.

[FR Doc. 92-23910 Filed 10-1-92; 8:45 am]

BILLING CODE 3410-KD-M

Soil Conservation Service**Lower Rapid Creek Water Quality Project**

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an Environmental Impact Statement is not being prepared for the Lower Rapid Creek Water Quality Hydrologic Unit Area Project in Pennington County, South Dakota.

FOR FURTHER INFORMATION CONTACT: Mr. Ron E. Hendricks, State Conservationist, USDA, Soil Conservation Service, Federal Building, room 203, 200 4th Street, SW., Huron, South Dakota, 57350-2475, telephone (605) 353-1783.

SUPPLEMENTAL INFORMATION: The Environmental Assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Ron E. Hendricks, State Conservationist, has determined that the preparation and review of an Environmental Impact Statement is not needed for this project.

The project concerns a plan for the protection of cropland, pasture and rangeland and other land using conservation practices; the reduction of seepage from the irrigation delivery and distribution system and the proper utilization of animal wastes in the lower Rapid Creek basin in Pennington County, South Dakota.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI is available to fill single copy requests at the above address. The total Environmental Assessment is on file and may be reviewed by contacting Mr. Ron E. Hendricks, State Conservationist. No administrative action on implementation of the project will be taken until 30 days after the date of this publication in the Federal Register.

Catalog of Federal Domestic Assistance Program No. 10902, Soil and Water

Conservation. This program is excluded from coverage under Executive Order 12372.

Dated: August 27, 1992.

Lawrence N. Nieman,

Deputy State Conservationist.

[FR Doc. 92-23833 Filed 10-01-92; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE**Bureau of the Census**

Census Advisory Committee (CAC) of the American Economic Association (AEA), the CAC of the American Marketing Association (AMA), the CAC of the American Statistical Association (ASA), and the CAC on Population Statistics

Amendment to Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), we are giving notice of additional information pertaining to this public meeting. The notice of this meeting was originally published in the *Federal Register* on September 21, 1992 in Notice Document 92-22703 beginning on page 43438. The joint meeting will convene on October 22-23, 1992 at the Bureau of the Census, room 1630, Federal Building 3, Suitland, Maryland.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Phyllis Van Tassel, Committee Liaison Officer, room 2419, Federal Building 3, Suitland, Maryland (301) 763-4056 (TDD).

Dated: September 24, 1992.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 92-23951 Filed 10-1-92; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket 69-91]

Foreign-Trade Zone 41—Milwaukee, WI; Application for Expansion; Amendment of Application

The pending application of the Foreign-Trade Zone of Wisconsin, Ltd., grantee of FTZ 41, requesting authority to reorganize and expand its zone in Milwaukee, Wisconsin, within the Milwaukee Customs port of entry, (Docket 69-91, filed 10/29/91, 56 FR 57513, 11/12/91), has been amended to retain a site that was to be deleted.

The application initially requested authority to add a new site (Port of

Milwaukee complex, 300 acres) to the zone project and to delete existing Sites 1, 3, and 4 from the project. The amendment requests that existing Site 1 not be deleted from the zone project.

The comment period is reopened until November 2, 1992.

The application and amendment material are available for public inspection at the following locations:

U.S. Department of Commerce District Office, 517 East Wisconsin Avenue, room 606, Milwaukee, Wisconsin 53202

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

Dated: September 25, 1992.

Deanis Puccinelli,

Acting Executive Secretary.

[FR Doc. 92-23968 Filed 10-1-92; 8:45 am]

BILLING CODE 3510-DS-M

Bureau of Export Administration**Iran Air: Stay of Final Order****ACTION:** Notice.

On August 21, 1992, the Acting Under Secretary for Export Administration, United States Department of Commerce, issued a Final Order in an administrative enforcement proceeding against Iran Air, Mehrabad Airport, Tehran, Iran. 57 FR 39178, August 28, 1992. The Order finds that Iran Air committed a violation of the Export Administration Regulations and imposes as sanctions against Iran Air a civil penalty of \$100,000 and a denial of Iran Air's U.S. export privileges for a period of 24 months, 21 months of which will be suspended if the civil penalty is paid within 30 days and provided Iran Air commits no further violations.

Iran Air filed an emergency motion for stay of the Final Order with the U.S. Court of Appeals for the District of Columbia Circuit (Docket No. 92-1389), which entered an order on September 28, 1992, as follows:

Order

Upon consideration of the renewed emergency motion for stay of agency order, the affidavits filed in support thereof, and the opposition thereto, it is

Ordered that the renewed emergency motion for stay be granted. Iran Air has made a substantial case on the merits and has demonstrated the requisite irreparable injury to warrant the issuance of a stay pending appeal. See *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977); *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 921 (D.C. Cir. 1958).

Per Curiam

Accordingly, by order of the court, the August 21, 1992, Final Order is stayed pending the court's action on Iran Air's appeal from the Commerce Department's administrative enforcement proceeding that resulted in the imposition of the sanctions.

Dated: September 30, 1992.

Joan M. McEntee,

Acting Under Secretary for Export Administration, Bureau of Export Administration, U.S. Department of Commerce.

[FR Doc. 92-24149 Filed 10-1-92; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-588-045]

Carbon Steel Wire Rope From Japan; Intent to Revoke the Antidumping Finding

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

ACTION: Notice of intent to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on carbon steel wire rope from Japan. Interested parties who object to this revocation must submit their comments in writing not later than October 31, 1992.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Jonathan Freilich or Wendy Frankel, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-3793.

SUPPLEMENTARY INFORMATION:**Background**

On October 15, 1973, the Department of Treasury published an antidumping finding on carbon steel wire rope from Japan (38 FR 28571). The Department of Commerce (the Department) has not received a request to conduct an administrative review of this finding for the most recent five consecutive anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by the Commerce Department's regulations (19 CFR 353.25(d)(4)), the Department is notifying the public of its intent to revoke this antidumping finding.

Opportunity to Object

No later than October 31, 1992, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the following address: U.S. Department of Commerce, Import Administration, Central Records Unit, room B-099, Washington, DC 20230, Attn: Office of Agreements Compliance.

If interested parties do not request an administrative review by October 31, 1992, in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by October 31, 1992, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with section 19 CFR 353.25(d) of the Department's regulations.

Dated: September 29, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-24058 Filed 10-1-92; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Thailand**

September 25, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6717. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 338/339 is being increased by the application of special shift. The limit for Categories 638/639 is being decreased to account for the increase.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 58559, published on November 20, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 25, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on October 2, 1992, you are directed to amend further the directive dated November 15, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Thailand:

Category	Adjusted twelve-month limit ¹
Sublevels in Group II	
338/339	1,728,720 dozen.
638/639	1,561,620 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1991.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-23922 Filed 10-1-92; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Bangladesh

September 25, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT:

Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 57 FR 1146, published on January 10, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 25, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 7, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on February 1, 1992 and extends through January 31, 1993.

Effective on October 2, 1992, you are directed to amend further the directive dated January 7, 1992 to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of Bangladesh:

Category	Adjusted twelve-month limit ¹
340/640	2,208,759 dozen.
347/348	1,646,780 dozen.
847	523,738 dozen.

¹ The limits have not been adjusted to account for any imports exported after January 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-23923 Filed 10-1-92; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received a proposal to add to the Procurement List commodities to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 2, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action. If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities listed below from a nonprofit agency employing individuals who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will furnish the commodities to the Government.

2. The action will result in authorizing a small entity to furnish the commodities to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities to the Procurement List:

Inking Pad
7510-00-231-6531
7510-00-526-1740
7510-00-526-1742

Nonprofit agency: Cattaraugus County Chapter, NYSARC, Olean, New York.

Cleaning Compound, Rug and Upholstery
7930-00-113-1913
7930-00-724-9556

Nonprofit agency: The Lighthouse for the Blind, St. Louis, Missouri.

Trousers, Cold Weather
8415-01-099-7853
8415-01-099-7854
8415-01-099-7855
8415-01-099-7856
8415-01-099-7857
8415-01-099-7858
8415-01-099-7859
8415-01-099-7860
8415-01-099-7861
8415-01-099-7862

8415-01-100-1977
 8415-00-782-2948
 8415-00-782-2949
 8415-00-782-2950
 8415-00-782-2951
 8415-00-782-2952
 8415-00-782-2953
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 8415-00-782-2956
 8415-00-782-2957
 8415-00-782-2958
 8415-00-782-2959
 8415-00-782-2960
 8415-00-782-2961

Nonprofit agency: Goodwill Industries of South Florida, Inc., Miami, Florida.

Beverly L. Milkman,
Executive Director.

[FR Doc. 92-23970 Filed 10-1-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to the Procurement List a commodity to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 2, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action. If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity listed below from a nonprofit agency employing individuals who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small

entities other than the small organization that will furnish the commodity to the Government.

2. The action does not appear to have a severe economic impact on the current contractor for the commodity.

3. The action will result in authorizing a small entity to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodity to the Procurement List:

Curtain, Vehicular
 2540-00-402-2157

Nonprofit agency: Caddo County Sheltered Workshop and Activities Center, Inc., Anadarko, Oklahoma.

Beverly L. Milkman,
Executive Director.

[FR Doc. 92-23971 Filed 10-1-92; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Coffee, Sugar & Cocoa Exchange; Proposed Amendments Relating to the Basis Quality and Quality Price Differentials Applicable to Deliveries for the Brazil Differential Coffee Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Proposed Contract Market Rule Changes.

SUMMARY: The Coffee, Sugar & Cocoa Exchange ("CSCE") has submitted proposed amendments to its Brazil differential coffee futures contract that would: (1) Change the quality of Brazilian coffee that is deliverable at par ("basis type") and; (2) change the price differentials applicable to the delivery of certain specified non-par qualities of Brazilian coffee. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposed amendments are of major

economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before November 2, 1992.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the proposed amendments to the basis type and price differential for the Brazil differential coffee futures contract.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone (202) 254-7303.

SUPPLEMENTARY INFORMATION: The existing terms of the Brazil differential futures contract provide for the delivery of three different qualities of Brazilian coffee: Type 1, Type 2 and Type 3.¹ The contract currently specifies that the basis or par grade of coffee deliverable on the contract is Type 2, while Type 1 is deliverable at a premium of 200 points (2 cents) per pound and Type 3 is deliverable at a discount of 400 points (4 cents) per pound.

Under the proposed amendments, Type 3 coffee would be designated as the basis or par grade. Type 2 coffee would be deliverable a premium of 200 points (2 cents) per pound and Type 1 would be deliverable at a premium of 400 points (4 cents) per pound. Accordingly, in addition to changing the par grade to Type 3, the proposed amendments will have the effect of reducing by 200 points (2 cents) per pound the price differential between Type 2 and Type 3 coffee.

The CSCE intends to make the proposed amendments effective within 30 days following its receipt of notice that the amendments have been approved with respect to all delivery months following the last delivery month in which there is an open position at such time and thereafter for any delivery month with open interest on the effective date whose open interest declines to zero after said date.

According to the CSCE, the proposed amendments are intended to re-align the pricing structure of the contract to more accurately reflect the cash market. The CSCE indicates that Type 3 coffee

¹ Type 1 coffee consists of coffee that meets the Santos 2/3 grade standards; Type 2 coffee meets the Santos 4 grade standards and Type 3 coffee meets the Santos 5 grade standards. All three types must originate in Brazil and meet the other requirements of the contract.

recently has been trading in the cash market at prices that are 100 to 200 points under cash prices for Type 2 coffee.

The Commission specifically is requesting comments regarding the extent to which the proposed revised schedule of quality price differentials falls within the range of commonly observed cash market price differences between the three deliverable types of Brazilian coffee.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254-6314.

The materials submitted by the CSCE in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW.,

Washington, DC 20581 by the specified date.

Issued in Washington, DC, on September 28, 1992.

Gerald Gay,

Director.

[FR Doc. 92-23946 Filed 10-1-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Scientific Advisory Group on Effects (SAGE) Meeting

AGENCY: Defense Nuclear Agency, DoD.

ACTION: Notice of Change in Location of Scientific Advisory Group Meeting.

SUMMARY: The meeting notice for SAGE meeting to be held at Homestead AFB, Florida on October 20-22, 1992, as published in the *Federal Register* on August 27, 1992 (57 FR 38820) is amended to reflect the new location at Sequoia Plaza, Logicon, 2100 Washington Boulevard, Arlington, Virginia. The meeting dates remain unchanged.

Dated: September 25, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-23899 Filed 10-1-92; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary of Defense

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 164. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 164 is being published in the *Federal Register* to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: October 1, 1992.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the *Federal Register* now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

BILLING CODE 3810-01-M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE
COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND
POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN
EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	-	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:						
ADAK 5/	\$ 10		\$ 34		\$ 44	10-01-91
ANAKTUVUK PASS	83		57		140	12-01-90
ANCHORAGE						
05-15--09-15	174		71		245	05-15-92
09-16--05-14	85		62		147	05-01-92
ANIAK	73		36		109	07-01-91
ATQASUK	129		86		215	12-01-90
BARROW	86		73		159	06-01-91
BETHEL						
05-01--09-30	93		83		176	05-01-92
10-01--04-30	80		81		161	02-01-92
BETTLES	65		45		110	12-01-90
CANTWELL	62		46		108	06-01-91
COLD BAY	71		54		125	12-01-90
COLDFOOT	95		59		154	10-01-92
CORDOVA	83		77		160	02-01-92
CRAIG	67		35		102	07-01-91
DILLINGHAM	76		38		114	12-01-90
DUTCH HARBOR-UNALASKA	113		67		180	05-01-92
EIELSON AFB						
05-15--09-15	100		66		166	05-15-92
09-16--05-14	66		63		129	05-01-92
ELMENDORF AFB						
05-15--09-15	174		71		245	05-15-92
09-16--05-14	85		62		147	05-01-92
EMMONAK	60		40		100	06-01-91
FAIRBANKS						
05-15--09-15	100		66		166	05-15-92
09-16--05-14	66		63		129	05-01-92
FALSE PASS	80		37		117	06-01-91
FT. RICHARDSON						
05-15--09-15	174		71		245	05-15-92
09-16--05-14	85		62		147	05-01-92
FT. WAINWRIGHT						
05-15--09-15	100		66		166	05-15-92
09-16--05-14	66		63		129	05-01-92
HOMER						
05-01--09-30	71		60		131	05-01-92
10-01--04-30	57		58		115	01-01-92

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT		M&IE RATE (B)	MAXIMUM PER DIEM RATE		EFFECTIVE DATE
	(A)	+		-	(C)	
ALASKA: (CONT'D)						
JUNEAU						
05-01--10-01	\$ 88		\$ 74	\$162		05-01-92
10-02--04-30	75		73	148		01-01-92
KATMAI NATIONAL PARK	89		59	148		12-01-90
KENAI-SOLDOTNA						
04-02--09-30	94		68	162		04-02-92
10-01--04-01	69		66	135		01-01-92
KETCHIKAN						
05-14--10-14	77		61	138		05-14-92
10-15--05-13	62		59	121		01-01-92
KING SALMON 3/	75		59	134		12-01-90
KLAWOCK	75		36	111		07-01-91
KODIAK	71		61	132		01-01-92
KOTZEBUE	125		72	197		01-01-92
KUPARUK OILFIELD	75		52	127		12-01-90
METLAKATLA	79		44	123		07-01-91
MURPHY DOME						
05-15--09-15	100		66	166		05-15-92
09-16--05-14	66		63	129		05-01-92
NELSON LAGOON	102		39	141		06-01-91
NOATAK	125		72	197		01-01-92
NOME						
05-15--09-15	87		72	159		05-15-92
09-16--05-14	76		71	147		05-01-92
NOORVIK	125		72	197		01-01-92
PETERSBURG	72		64	136		05-01-92
POINT HOPE	99		61	160		12-01-90
POINT LAY	106		73	179		12-01-90
PRUDHOE BAY-DEADHORSE	64		57	121		12-01-90
SAND POINT	75		36	111		07-01-91
SEWARD						
05-01--09-30	107		53	160		05-01-92
10-01--04-30	61		48	109		01-01-92
SHUNGNAK	125		72	197		01-01-92
SITKA-MT. EDGECOMBE	72		69	141		01-01-92
SKAGWAY						
05-14--10-14	77		61	138		05-14-92
10-15--05-13	62		59	121		01-01-92
SPRUCE CAPE	71		61	132		01-01-92
ST. GEORGE	100		39	139		06-01-91

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM	+	M&IE	MAXIMUM	EFFECTIVE
	LODGING		RATE	PER DIEM	
	AMOUNT		(B)	RATE	DATE
	(A)		(B)	= (C)	
ALASKA: (CONT'D)					
ST. MARY'S	\$ 60		\$ 40	\$100	12-01-90
ST. PAUL ISLAND	81		34	115	12-01-90
TANANA					
05-15--09-15	87		72	159	05-15-92
09-16--05-14	76		71	147	05-01-92
TOK	66		55	121	01-01-92
UMIAT	97		63	160	12-01-90
UNALAKLEET	58		47	105	12-01-90
VALDEZ					
05-01--09-01	98		53	151	05-01-92
09-02--04-30	84		51	135	01-01-92
WAINWRIGHT	90		75	165	12-01-90
WALKER LAKE	82		54	136	12-01-90
WRANGELL					
05-14--10-14	77		61	138	05-14-92
10-15--05-13	62		59	121	01-01-92
YAKUTAT	70		40	110	12-01-90
OTHER 3, 4/	63		47	110	07-01-91
AMERICAN SAMOA	85		47	132	12-01-91
GUAM	112		75	187	05-01-92
HAWAII:					
ISLAND OF HAWAII: HILO	65		61	126	06-01-92
ISLAND OF HAWAII: OTHER	80		61	141	06-01-92
ISLAND OF KAUAI	99		55	154	06-01-92
ISLAND OF KURE 1/			13	13	12-01-90
ISLAND OF MAUI	79		64	143	06-01-92
ISLAND OF OAHU	105		55	160	06-01-92
OTHER	59		47	106	12-01-90
JOHNSTON ATOLL 2/	20		20	40	10-01-92
MIDWAY ISLANDS 1/			13	13	12-01-90
NORTHERN MARIANA ISLANDS:					
ROTA	45		31	76	12-01-90
SAIPAN	68		47	115	12-01-90
TINIAN	44		24	68	12-01-90
OTHER	20		13	33	12-01-90
PUERTO RICO:					
BAYAMON					
04-16--12-14	93		67	160	08-01-92
12-15--04-15	116		69	185	12-15-92

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM	+	M&IE	MAXIMUM	EFFECTIVE
	LODGING		RATE	PER DIEM	
	AMOUNT		(B)	RATE	DATE
	(A)		(B)	(C)	
PUERTO RICO: (CONT'D)					
CAROLINA					
04-16--12-14	\$ 93		\$ 67	\$160	08-01-92
12-15--04-15	116		69	185	12-15-92
FAJARDO (INCLUDING LUQUILLO)					
04-16--12-14	90		57	147	08-01-92
12-15--04-15	134		61	195	12-15-92
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)					
04-16--12-14	93		67	160	08-01-92
12-15--04-15	116		69	185	12-15-92
MAYAGUEZ	85		65	150	08-01-92
PONCE	106		65	171	08-01-92
ROOSEVELT ROADS					
04-16--12-14	90		57	147	08-01-92
12-15--04-15	134		61	195	12-15-92
SABANA SECA					
04-16--12-14	93		67	160	08-01-92
12-15--04-15	116		69	185	12-15-92
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)					
04-16--12-14	93		67	160	08-01-92
12-15--04-15	116		69	185	12-15-92
OTHER					
	63		52	115	08-01-92
VIRGIN ISLANDS OF THE U.S.					
05-02--12-15	100		68	168	08-01-92
12-16--05-01	144		73	217	12-16-92
WAKE ISLAND 2/	4		17	21	12-01-90
ALL OTHER LOCALITIES	20		13	33	12-01-90

FOOTNOTES

1/ Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

2/ Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

3/ On any day when US Government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of \$16.25 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Fort Yukon, Galena, Indian Mountain, King Salmon, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for US Government or contractor quarters and by \$4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

4/ On any day when US Government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of \$34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for US Government or contractor quarters and by \$10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

5/ On any day when US Government or contractor quarters are available and US Government or contractor messing facilities are used, a meal and incidental expense rate of \$25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. government or contractor quarters.

Dated: September 28, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison,
Department of Defense.

[FR Doc. 92-23900 Filed 10-1-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

U.S. Army Reserve Command Independent Commission Open Meeting

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

Name of Committee: U.S. Army Reserve Command Independent Commission.

Date of Meeting: October 15, 1992.

Place: Pentagon, Secretary of the Army Conference Room, 2E687.

Time: 10-11:30 a.m.

Purpose: The Commission was established to assess the progress and effectiveness of the United States Army Reserve Command since its establishment.

Summary of Agenda: This is the final meeting of the Commission. The Commission will present its final report to the Secretary of the Army.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the matter permitted by the committee. Anyone desiring to appear before the committee should contact the staff for procedures.

Ellis L. Pennington,

LTC, FA, U.S. Army Reserve Command,
Independent Commission.

[FR Doc. 92-24029 Filed 10-1-92; 8:45 am]

BILLING CODE 3710-01-M

Change to the Proposed Test PPSO Sites

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: The Military Traffic Management Command (MTMC) proposes to modify the PPSO test sites as originally published in the Federal Register (FR 28842). Military Traffic Management Command, Directorate of Personal Property, CONUS Automated Rate System (CARTS) Proposed Changes.

DATES: Comments must be received on or before October 5, 1992.

ADDRESSES: Headquarters, Military Traffic Management Command, ATTN: MTPP-CD, 5611 Columbia Pike, Falls Church, VA 22041-5050.

FOR FURTHER INFORMATION CONTACT: Mrs. Janet Nemier (703) 756-1190.

SUPPLEMENTARY INFORMATION: The proposed test PPSOs are revised as follows:

Location	No change/change
Camp Pendleton, CA.....	No change.
Fairchild AFB, WA.....	New versus MacDill AFB, FL.
Fort Benning, GA.....	No change.
Fort Riley, KS.....	No change.
Camp Lejeune, NC.....	No change.
NAU Scotia, NY.....	New versus NETC Newport, RI.
NSC Charleston, SC.....	No change.
JPPSO San Antonio, TX...	No change.
NAS Pensacola, FL.....	New versus NAS Corpus Christi, TX.
Shaw AFB, SC.....	New versus Hill AFB, UT.
JPPSO Lewis, WA.....	No change.

These changes are based on factors reviewed by the military service to include installation operational considerations and TOPS automation capabilities.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-24022 Filed 10-1-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

[Docket Nos. 91-25-R, et al.]

Office of Administrative Law Judges; Intent To Compromise a Claim; Maine Department of Education

AGENCY: Department of Education.

ACTION: Notice of intent to compromise a claim.

SUMMARY: The Department intends to compromise claims against the Maine Department of Education now pending before the Office of Administrative Law Judges (OALJ), Docket Nos. 91-25-R, 91-98-R, and 92-49-R. (20 U.S.C. 1234a(j) (1988)).

DATES: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before November 16, 1992.

ADDRESSES: All comments concerning this notice should be addressed to Jaime Fernandez, Esq., Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., room 4091, FOB-6, Washington, DC 20202-4013.

FOR FURTHER INFORMATION CONTACT: Jaime Fernandez, Esq. Telephone: (202) 401-3690. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code,

telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The claims in question arose from audits of the financial affairs and operations of the Maine Department of Education (State) for the fiscal years ending June 30, 1987, June 30, 1988, and June 30, 1989. The audits were performed by the State of Maine Department of Audit to fulfill the requirements of Office of Management and Budget Circular A-128. The audits included an evaluation of the State's internal control systems, including applicable internal administrative controls, used in administering Federal financial assistance programs. Among the systems examined was the State's system of maintaining time distribution records for employees who have multi-program responsibilities. Time distribution records show how an employee's time has been divided among his or her different program responsibilities. During the course of the audits, the auditors discovered that the State maintained no cost allocation plan or any system of time distribution records.

The audit for fiscal year (FY) 1989 also revealed that the State had misspent \$5,869 in funds awarded under the Carl D. Perkins Vocational Education Act in that it did not allocate the cost of \$5,869 for the installation of carpeting to other programs that had benefited from the expenditure, as required by OMB Circular A-87. Moreover, the State had charged the carpeting costs exclusively to the FY 1989 vocational education grant without demonstrating the allowability of the expenditure to the vocational education grant. Based on these findings, the authorized Department officials issued Program Determination Letters (PDLs) dated March 27, 1991, October 24, 1991, and March 31, 1992, demanding repayment of a total of \$213,000 in Federal grant funds.

In failing to maintain time distribution records, the State violated sections 437 and 435(b)(5) of the General Education Provisions Act (GEPA). Section 435(b)(5) of GEPA (20 U.S.C. 1232d(b)(5)) states in relevant part that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each program. In addition, the State violated the provisions of 34 CFR 74.61 and 34 CFR part 74, appendix C (OMB Circular A-87), Attachment II, B.10.b., which states in relevant part that salaries and wages of individual employees chargeable to more than one

grant program or other cost objective must be supported by appropriate time distribution records. In failing to support both the allowability and the allocability of the carpeting costs in question to the FY 1989 vocational education grant, the State violated 34 CFR 80.22 and OMB Circular A-87. The State appealed the Department's determination in these matters to the OALJ.

The Department proposes to compromise the full amount of the \$213,000 claim or \$97,935. In its response to the PDLs, the State gave assurances that it had corrected the systemic deficiencies that resulted in the claim and that the deficiencies will not recur. Future audits will determine whether the remedies instituted by Maine in response to the audit findings are being implemented in accordance with Federal requirements. Given these factors, the percentage of the claim to be repaid, and the risk and cost of litigating the claim through the appeal process, the Department has determined that it would not be practical or in the public interest to continue this proceeding.

The public is invited to comment on the Department's intent to compromise this claim. Additional information may be obtained by writing to Jaime Fernandez, Esq., at the address given at the beginning of this notice.

Program Authority: 20 U.S.C. 1234a(f).

Dated: September 28, 1992.

William D. Hansen,

Assistant Secretary for Management and Budget/Chief Financial Officer.

[FR Doc. 92-23918 Filed 10-01-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Floodplain Statement of Findings for Characterization Activities at the Department of Energy's Mound Plant

AGENCY: Department of Energy (DOE).

ACTION: Floodplain statement of findings.

SUMMARY: This Statement of Findings is prepared pursuant to Executive Order 11988 and 10 CFR part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. On March 3, 1992, DOE published a "Notice of Involvement in Floodplain," 57 FR 7740; DOE has determined that some site characterization activities associated with the Mound Plant Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 as amended Remedial Investigation/Feasibility Study (RI/FS) will be conducted within

the 100-year Floodplain of the Great Miami River. These activities are required to comply with CERCLA. On the basis of the floodplains assessment for the proposed actions prepared pursuant to 10 CFR part 1022, DOE has determined that there is no practicable alternative to the proposed actions and that the proposed actions have been designed to avoid or minimize impacts on the floodplains.

During evaluation of alternatives and effects of these activities, DOE has determined that some property was inadvertently included in the Special Flood Hazard Area (SFHA) as shown on the National Flood Insurance Program (NFIP) map published by the Federal Emergency Management Agency (FEMA) in 1983. Under 44 CFR part 59, a request for a Letter Of Map Amendment has been filed with FEMA to remove the property from the SFHA and to amend the currently effective NFIP map. The property in question (see figure) is protected from the 100-year flood of the Great Miami River by an engineered levee spur that is part of the primary flood protection system constructed by the Miamisburg Conservancy District (MCD). The request is pending.

DATES: Any comments on the proposed floodplain actions must be received by October 19, 1992.

ADDRESSES: Send comments to: Statement of Findings Comments, Arthur Kleinrath, Dayton Area Office, U.S. Department of Energy, Post Office Box 66, Miamisburg, Ohio 45343, (513) 865-3597. Fax comments to (513) 865-4489.

For further information regarding the proposed action contact Arthur Kleinrath, Dayton Area Office.

For further information on DOE's floodplain/wetland review process, contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Ave., Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: The projects that are part of the floodplain action include installation of piezometers and monitoring wells, drilling of soil boreholes, construction of a river stage gauge, and collection of small sediment and soil samples. In one project, piezometers would be installed to monitor ground-water levels in the underlying Buried Valley aquifer and correlate these with levels of river stage to measure the effects of the river on ground-water flow. This equipment would be installed within the levee structures that currently control the extent of the 100-year flood (see figure) and must be installed at the river's edge

to perform properly. Except for the river stage gauge, the new installations would not normally be in contact with the river. Use of existing access roads would minimize effects of construction upon the floodplain. The piezometers would be constructed in accordance with requirements specified by the MCD and would be permitted by the MCD. Surface water and sediment samples would also be collected from the Great Miami River and its tributaries, but these collections would be performed with hand or portable sampling devices and will not require any permanent installations or construction activities.

In another project, piezometers, monitoring wells, and soil boreholes would be installed within the plant boundary along the piece of property that has been petitioned to be removed from the SFHA. This project is essential in order to scope and develop remedial actions that may be necessary to clean up a source of contamination and to monitor ground water for possible contaminant migration outside the plant boundary. The piezometer and monitoring well network is designed to monitor water levels and water quality at multiple depths within the Buried Valley aquifer. Surface and subsurface soil and sediment samples would also be collected in and adjacent to the area of possible contamination and within a small controlled stream, an abandoned segment of the Miami-Erie Canal that borders the floodplain. After sample collection, boreholes would be backfilled with impermeable bentonite clay grout to prevent infiltration. Wells and piezometers would be completed according to approved Environmental Protection Agency methods.

Based upon results of the investigations summarized above, other similar activities associated with the RI/FS may occur within the floodplain (see figure). These activities would include the following:

- Additional sampling based on positive findings;
- Additional monitoring well installations; and
- Geophysical surveys.

None of these activities would have an adverse effect on floodplain values.

As part of the RI/FS, an ecological assessment would be performed that includes a phased investigation of terrestrial and aquatic flora and fauna and habitat identification. The ecological assessment would be performed to evaluate threats to the environment, especially sensitive habitats and critical habitats of species protected under the Endangered Species

Act. The first phase of investigation would include an inventory of species. Later phases may require sampling and analysis of tissues to evaluate the potential accumulation of contaminants. As part of the first phase, a complete wetlands delineation will be performed that would require field verification and sampling of hydric soils. This investigation would have minimal effects on either the floodplain or associated wetlands as it typically involves only hand tools and no new construction. The proposed actions are categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the DOE regulations for implementing the National Environmental Policy Act, 10 CFR part 1021, subpart D, appendix B3.1.

After assessment of the proposed actions, DOE has determined that there are no alternatives to the sampling and construction activities summarized. Sampling activities conducted as part of the RI under CERCLA are required to determine the nature and extent of potential contamination. DOE is obligated to conduct these activities under Section 120 of CERCLA and Executive Order 12580. The suspected source area is located on the eastern

margin of the Buried Valley aquifer and construction of new piezometers and monitoring wells is essential to establish water quality and potential contaminant migration. Construction of the river stage gauge and the piezometers along the edge of the Great Miami River is essential to establish the effects of the river on the aquifer. Moreover, the piezometers are part of a larger ground-water monitoring network designed to establish ground-water flow in the Buried Valley aquifer on and adjacent to the plant. The alternatives considered were (1) use of existing wells, (2) alternate well locations, and (3) no action. All of these alternatives were considered and rejected as the current monitoring network is insufficient to determine either the aquifer characteristic required or the extent of contamination.

The proposed actions would not have any adverse effects on floodplain values. The proposed piezometer and monitoring well installations would be performed in accordance with all applicable Federal, State, and district regulations and guidelines. Disturbances to the floodplain would be limited to the movement of drilling equipment during the installation of piezometers or monitoring wells. Existing roads would

be used for access. Piezometers and monitoring wells will be completed with sealed and flushmount castings. Any disturbances to the drill site would be restored to previous conditions. No physical topographic features will be altered or created by any of the assessment activities described above. The proposed actions may indirectly benefit the area in the long-term because they would support the removal of contamination and may improve the habitat value and remediate any potential impacts to plants, animals, or residents in the area. DOE has also prepared a separate wetlands assessment; and, based on that assessment, the proposed action will not have an adverse impact on wetlands.

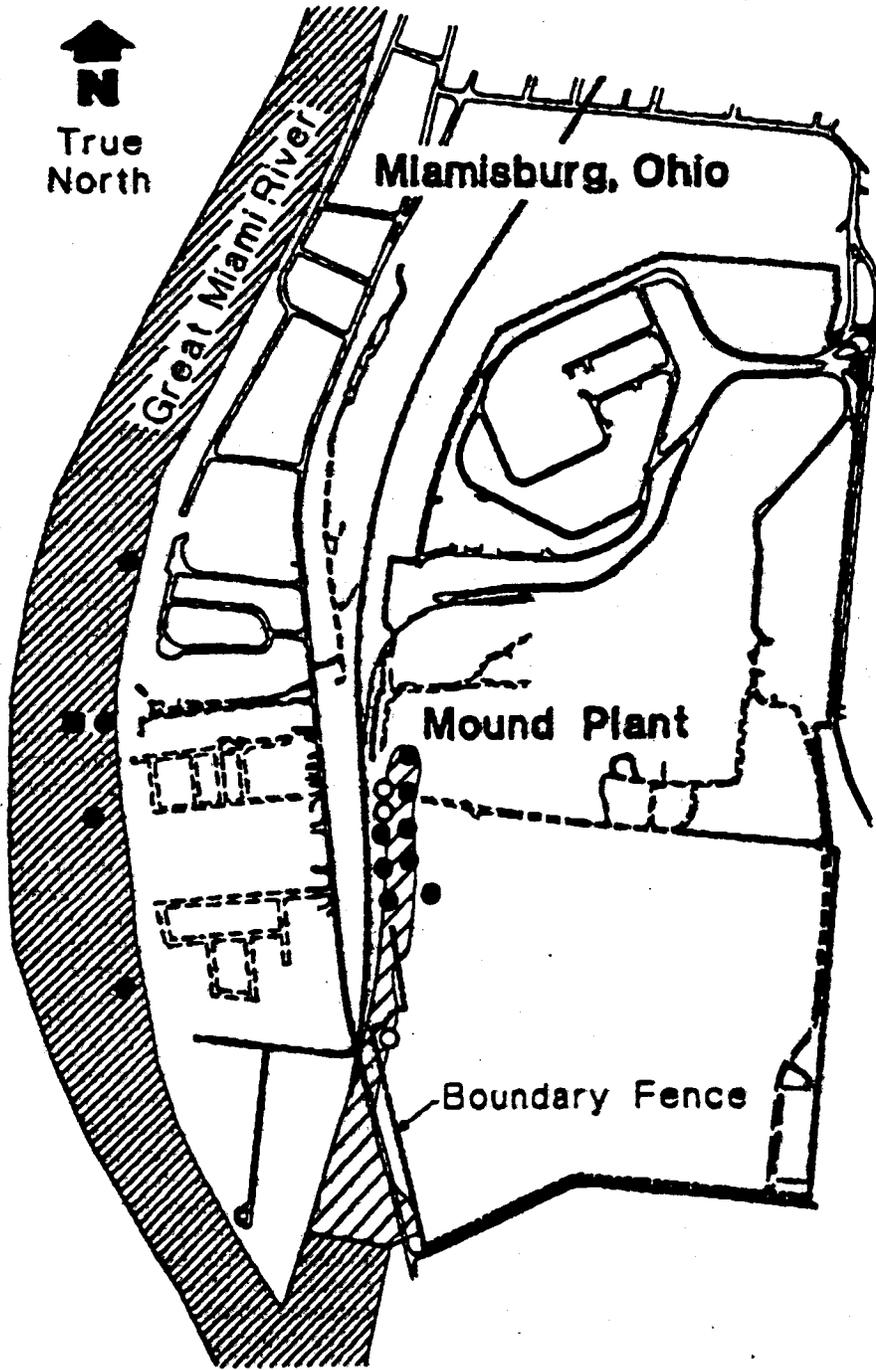
Prior to implementing the proposed floodplain action, DOE will endeavor to allow at least 15 days of public review after publication of the Statement of Findings.

Paul D. Grimm,

*Principal Deputy Assistant Secretary for
Environmental Restoration and Waste
Management.*

Attachment

BILLING CODE 6450-01-M



Legend

-  FEMA 100-year floodplain
-  Area requested to be removed from 100-year floodplain
- Single or clustered piezometer or well
- Soil boring
- River stage gauge

[FR Doc. 92-23865 Filed 10-01-92; 8:45 am]

BILLING CODE 6450-01-C

Floodplain Statement of Findings for Site Characterization Activities at Operable Units 1, 2, 5, and 6 at the Rocky Flats Plant Near Golden, CO

AGENCY: Department of Energy (DOE).

ACTION: Statement of findings on floodplain assessment.

SUMMARY: Regulations at 10 CFR part 1022 require DOE to evaluate actions it may take in a floodplain, in order to ensure consideration of protection of the floodplain in decision making. As soon as practicable after a determination that a floodplain may be involved, the regulations require that public notice be published in the *Federal Register*, including a description of the proposed action and its location. DOE proposes to carry out site characterization activities, some of which would be within floodplains, at its Rocky Flats Plant (RFP) north of Golden, Colorado. These activities would be a part of DOE's effort to determine the existence, nature, and extent of any environmental contamination resulting from RFP operations.

DATES: Comments on the proposed action must be received by October 19, 1992.

ADDRESSES: All comments concerning this Statement of Findings or requests for copies of the Floodplain Assessment should be addressed to: Floodplain/Wetland Comments, Beth Brainard, Public Affairs Office, U.S. Department of Energy, Rocky Flats Office, Post Office Box 928, Golden, Colorado 80402-0928, Telephone: (303) 966-5993.

FOR FURTHER INFORMATION: For information on the proposed action, contact the address identified above. For information on floodplain/wetland environmental review requirements contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, Telephone: (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: DOE proposes to carry out site characterization activities, some of which would be within floodplains at its RFP north of Golden, Colorado. These activities would be part of DOE's effort to determine the existence, nature, and extent of any environmental contamination resulting from RFP operations. The activities would occur in floodplains of Woman Creek, Walnut Creek and their tributaries. The site characterization activities that may be in floodplains consist of locating sampling stations, drilling wells and boreholes, and soil, soil gas, surface

water, ground water and stream sediment sampling.

On April 21, 1992, the DOE published a "Notice of Involvement in Floodplains/Wetlands" (57 FR 14567) regarding its intent to undertake site characterization activities in floodplains and wetlands at its RFP north of Golden, Colorado. No comments were received, and DOE prepared an assessment of the impacts of the proposed action on floodplains and wetlands. This Statement of Findings summarizes the results of that assessment for floodplains. The assessment also shows that there would be no effect on wetland values.

Project Description

The site characterization activities covered in this document are those within a floodplain in operable units 1 (881 Hillside), 2 (903 Area), 5 (Woman Creek), and 6 (Walnut Creek). The activities would consist of (1) locating new surface water and sediment sampling stations, (2) drilling new wells and boreholes, (3) soil and soil gas sampling and (4) collecting surface water, ground water, and stream sediment samples. Each of these activities is described below.

Locating new surface water and sediment sampling stations consists of driving a stake in the ground to mark a spot which can be returned to for future sample collection. Virtually all surface water and stream sediment sampling would take place in a floodplain.

Drilling new water sampling wells involves driving a drilling rig to the designated site and drilling a hole, usually within a day. Wells are typically 4-to-6 inches in diameter. Approximately 24 wells would be drilled within a floodplain.

Soil and soil gas sampling would be accomplished by one of the following procedures. One soil sampling method is to collect a small quantity (2 to 3 tablespoons) of surficial soil by hand using a small instrument. The second soil sampling method is using a backhoe to dig pits that are typically 9 feet long, 5 feet wide, and 4 feet deep which are usually dug and backfilled within a day. Soil sampling pits may be located within a floodplain. Soil gas samples are obtained by inserting a collection device into a hand augered borehole, and sampling gases that escape from the soil.

Collection of water or sediment samples consists of driving or walking to a sampling site or well and collecting up to a few pounds of the desired medium by hand. Sampling may be done on a weekly, monthly, quarterly, or irregular basis.

There is no practicable alternative to locating portions of the proposed action in the floodplain. Surface water and stream sediment samples must by their very nature be obtained from within floodplains. Other proposed drilling, soil pit excavation, and sample collection targets would be chosen so that the resulting data present the clearest and most accurate picture of existing contamination conditions to provide a basis of future remediation activities. Characterization activities must occur in areas where contamination is thought to occur.

Alternatives Considered

Sample collection within floodplains is a part of the site characterization program required under the provisions of Comprehensive Environmental Response, Compensation and Liability Act, Resource Conservation and Recovery Act, and the Interagency Agreement. Both the statutes and the Agreement require cleanup of contaminated sites. This cleanup cannot be reasonably undertaken without field sampling to identify existing conditions. Therefore, the No-Action alternative is dismissed as unreasonable.

Among the highest concerns about contamination at RFP is the possibility of contaminated surface water and/or ground water posing a threat to municipal drinking water supplies. Therefore, sampling water is fundamental to identifying the nature and extent of contamination at RFP. Most surface water at RFP is in a floodplain. Thus it is virtually impossible to sample surface water without being in a floodplain. Similarly, sediments, which are typically in or under bodies of water, can be sampled only in a floodplain. The alternative of not sampling in a floodplain is dismissed as unreasonable, because it would not meet the need that prompted the proposed action.

The drilling program for ground water wells would be carefully designed to identify the characteristics of ground water and aquifers. Some holes are designed to delimit the edge of contaminant plumes, while other holes are needed to better understand the geology and hydrology in certain locations, and still others are needed to identify the contaminants that may exist underground. In each case, locations are carefully chosen to yield the best results by hitting specific targets. Floodplains at RFP can be up to 100- to 200-foot wide. Moving wells to get them out of the floodplain could seriously compromise the characterization program. Wells could be moved out of floodplains where

practicable, but there would still be cases where wells cannot be relocated without undermining the purpose of the characterization project. The alternative of not drilling in a floodplain is dismissed as unreasonable because it would not fulfill the purpose of the site characterization program.

Floodplain Considerations

The activities are consistent with the guidance provided by Section 42 of the Jefferson County, Colorado, zoning regulations. The State of Colorado defers regulation of floodplains to local governments.

Because none of the activities would have a positive or negative effect on the floodplain, few steps are needed to minimize potential harm to or within the floodplain. Travel within floodplains would be restricted to established roads and tracks where they are available.

A map showing the locations of the described activities is available on request from the Rocky Flats Office (see **ADDRESSES**, above).

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

Wetland/Floodplain Assessment for Site Characterization Activities for Operable Units 1, 2, 5, and 6

Introduction

Site characterization activities are to be undertaken by the Department of Energy (DOE) at its Rocky Flats Plant (RFP) north of Golden, Colorado. The activities are to be carried out pursuant to requirements of the Comprehensive Environmental Response, Compensation and Liability Act and the Resource Conservation and Recovery Act, and as part of DOE's implementation of the Interagency Agreement between DOE, the Environmental Protection Agency, and the Colorado Department of Health. This site characterization involves sampling of soil, soil gas, stream sediments, surface water, and ground water to identify the presence, nature, and extent of contaminants, if any. The site characterization activities covered in this document are those in a floodplain/wetland in operable units 1 (881 Hillside), 2 (903 Area), 5 (Woman Creek), and 6 (Walnut Creek) and those under the site-wide Geologic Characterization Program.

Project Description

The site characterization activities will be in the floodplains/wetlands of Woman Creek, Walnut Creek, and their tributaries. Figures 1 through 14 of the categorical exclusion (RFO/CX025-91)

prepared for this project show the location of surface water, sediment, ground water, soil and soil gas sampling sites, including those in floodplains/wetlands. The arrows on Figures 1, 3, and 6 through 11 show 24 sites where drilling may take place in a floodplain. The site characterization activities consist of (1) locating new surface water and sediment sampling stations, (2) drilling new wells, (3) collecting soil sample and soil gas samples, and (4) collecting surface water, ground water, and stream sediment samples. Each of these activities is described below.

Locating new surface water and sediment sampling stations consists of driving a stake in the ground to mark a spot which can be returned to for future sample collection. Virtually all surface water and sediment sampling will be in a floodplain, and most will also be in a wetland. New and existing surface water and sediment sampling sites are shown in the figures, noted by SW-xx and SED-xx respectively.

Drilling new wells involves driving a drilling rig to the designated site and drilling the hole, usually within a day. Wells are typically 4-6 inches in diameter. As the drill bit advances, drill cuttings are brought to the surface and shoveled into 55-gallon drums for analysis of contaminants, storage and ultimate disposal. When drilling is completed, surface evidence of the activity includes downed vegetation around the immediate site and an 8-inch metal pipe sticking 2-3 feet above the ground. Approximately 24 wells will be drilled within a floodplain. It is possible, but unlikely, that some of those could be in wetlands.

Soil and soil gas sampling can be accomplished by the following procedures. One soil sampling method is to collect a small quantity (2 to 3 tablespoons) of surficial soil using a hand-held sampling device. The second soil sampling method is to use a backhoe to dig pits that are typically 9 feet long, 5 feet wide, and 4 feet deep. These pits are generally dug and backfilled within a day. Soil sampling pits may be located within a floodplain but are typically not located in wetland areas. Soil samples will be collected from within some of the square plots shown in Figure 2 of the Categorical Exclusion. Therefore, soil samples taken from these plots have the potential to be taken from that part of the plot within a floodplain. Exact locations of soil sampling sites have not yet been determined. Surficial soil sampling sites may be located anywhere there is soil. Soil gas samples are obtained by dropping a sensing device down a hand

augered borehole and sampling the gases released from the soil.

Collection of water or sediment samples consists of driving or walking to a sampling site or well and collecting up to a few pounds of the desired medium.

Floodplain/Wetlands Effects

Activities within floodplains/wetlands are of five types: Staking surface water and stream sediment sampling locations and taking samples; drilling new ground water sampling wells; collecting soil samples by hand; collecting soil samples using a backhoe; and collecting soil gas samples from a shallow auger hole. None of these activities will have a positive or negative, direct or indirect, long-term or short-term effect on the wetlands or floodplains. The activities will not affect lives or property and will not change the existing floodplain values. Activities that take place within wetlands will not have an effect on the survival, quality, or natural and beneficial values of the wetlands.

Alternatives

No-Action Alternative

Sample collection within floodplains and wetlands is part of the site characterization program required under the provisions of CERCLA, RCRA, and the IAG. Both the statutes and the Agreement require cleanup of contaminated sites. This cleanup cannot be reasonably undertaken without field sampling to identify existing conditions. Therefore, the No-Action alternative is dismissed as unreasonable.

No Sampling in Floodplains or Wetlands

Among the highest concerns about contamination at RFP is the possibility of contaminated surface water and/or ground water posing a threat to municipal drinking water supplies. Therefore, sampling water is fundamental to identifying the nature and extent of contamination at RFP. Most surface water at RFP is in a floodplain and also in wetland areas. Thus, it is virtually impossible to sample surface water without being in a floodplain and a wetland. Similarly sediments, which are typically in or under bodies of water, can be sampled only in a floodplain and most often a wetland. This alternative is dismissed as unreasonable because it will not meet the need that prompted the proposed action.

No Drilling in Floodplains or Wetlands

The drilling program for ground water wells will be carefully designed to identify the characteristics of ground water and aquifers. Some holes are designed to delimit the edge of contaminant plumes, while other holes are needed to better understand the geology and hydrology in certain locations, and still others are needed to identify the contaminants that may exist underground. In each case, locations are carefully chosen to yield the best results by hitting specific targets. Because most of the wetlands at RFP tend to be either linear or very small, moving a well a few feet can avoid a wetland without compromising the integrity of the program or affecting the results. Well locations will be moved outside wetlands where possible. There will be cases where a well cannot be relocated or not relocated far enough to avoid a wetland, and, in such cases, the well will be completed in the wetland. The drilling program is expected to result in no adverse impacts to wetlands at RFP. Floodplains at RFP tend to be much larger than wetlands: generally 100- to 200-foot wide. Moving wells to get them out of the floodplain could seriously compromise the characterization program. Wells will be moved out of floodplains where practicable, but there will be cases where wells cannot be relocated without undermining the purpose of the characterization project. This alternative is dismissed as unreasonable because it would not fulfill the purpose of the site characterization program.

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BILLING CODE 6450-01-M

Floodplain Statement of Findings for the Proposed Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act Characterization and Remediation Studies in Operable Units 3, 4, 7, and 9 at the Rocky Flats Plant, Golden, Colorado

AGENCY: Department of Energy (DOE).

ACTION: Floodplain statement of findings.

SUMMARY: The U.S. Department of Energy (DOE) presents this Statement of Findings of Floodplain Assessment prepared pursuant to Executive Order 11988 and 10 CFR 1022. Compliance with Floodplain/Wetlands Environmental Review Requirements. DOE has determined that some activities associated with the Comprehensive

Environmental Response, Compensation and Liability Act of 1980 (CERCLA) Remedial Investigation/Feasibility Study and the Resource Conservation and Recovery Act of 1976 (RCRA) Facility Investigation/Corrective Measures Study processes for Operable Units 3, 4, 7, and 9 are proposed to be within the 100-year floodplains of North and South Walnut Creeks. On the basis of the Floodplain/Wetlands Assessment for the proposed actions prepared pursuant to 10 CFR 1022, DOE expects that the project would have no positive or negative effects on the floodplain. There is no practicable alternative to the proposed actions, and the proposed actions have been designed to avoid or minimize on the floodplains.

DATES: Comments on the Statement of Findings must be postmarked by October 19, 1992.

ADDRESSES: All comments concerning this Statement of Findings or requests for copies of the Floodplain Assessment should be addressed to: Beth Brainard, Public Affairs Office, U.S. Department of Energy, Rocky Flats Office, Post Office Box 928, Golden, Colorado 80402-0928, Telephone: (303) 966-5993.

FOR FURTHER INFORMATION: For information on the proposed action, contact the address identified above. For information on floodplain/wetland environmental review requirements contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: On May 8, 1992, DOE published (57 FR 19890) a Notice of Floodplain Involvement and opportunity to comment on the proposed action. No comments were received, and DOE proceeded to assess the impacts of the proposed action. No comments were received, and DOE proceeded to assess the impacts of the proposed action during and after its implementation.

The proposed action is to perform site characterization activities for four operable units in floodplains at Rocky Flats Plant north of Golden, Colorado. This work is being undertaken as part of cleanup actions under CERCLA and RCRA. The site characterization activities covered in this document are those within a floodplain in Operable Units 3 (Off-Site Areas), 4 (Solar Evaporation Ponds), 7 (Present Landfill), and 9 (Original Process Waste Lines). The work is described in detail in the work plans for the operable units.

The site characterization involves sampling of soil, sediments, surface water, ground water, air, flora, and fauna to establish the presence and

identify the nature and extent of contaminants that have been released to the environment. These characterization activities are briefly described as follows:

Soil Sampling.—Soil samples would be collected by hand either from the upper 3 inches of the ground surface or from sampling pits excavated by backhoe. Soil sample cores would also be obtained from soil boreholes drilled to collect the samples.

Surface Water and Sediment Sampling.—Surface water and sediment samples are proposed to be collected using hand-held instruments from streams, lakes, ditches, and impoundments on the plant site.

Ground Water Sampling.—Ground water samples would be obtained from existing water sampling wells, and new wells drilled to support characterization.

Air Sampling and Meteorological Monitoring.—Meteorological towers and air sampling stations would be installed to track patterns and sample air quality. Portable wind tunnels would be used to test the susceptibility of the lake bed sediments to wind transportation.

Sampling of Flora and Fauna.—Vegetation would be sampled by clipping vegetation to document the plant populations present and provide samples for analysis. Fauna would be sampled by live trapping to establish population numbers and provide tissue samples for analysis.

Some of the activities that constitute the proposed action, including sediment and surface water sampling and the wind tunnel tests, must be undertaken in a floodplain. The locations of other activities are dictated by the scientific needs of the project. Sampling, including drilling wells and boreholes and digging soil sample pits, must take place in locations that would provide the information about contaminant location, direction of movement, terrain, geology, subsurface hydrology, locations of surface water bodies, and other factors.

The no-action alternative, where no characterization within the floodplains occurs, is not viable because Remedial Investigation and RCRA Facility Investigation are required under CERCLA, RCRA, and the Interagency Agreement with the Environmental Protection Agency and the Colorado Department of Health.

The activities are consistent with the guidelines provided by section 42 of the Jefferson County, Colorado, zoning regulations. The State of Colorado defers regulations of floodplains to local governments.

Because the proposed action is not expected to have a positive or negative effect on floodplains, few steps are

needed to minimize potential harm to or within the floodplain. Travel within floodplains during characterization activities would be restricted to established roads and tracks where they are available. Activities would be scheduled to the extent possible to avoid high soil moisture conditions when vehicles might cause excessive damage to the terrain.

Maps showing the locations of the described activities are available on request from the Rocky Flats Office (see ADDRESSES above).

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

Floodplain Assessment for Site Characterization Field Work in Operable Units 3, 4, 7, and 9 at the Rocky Flats Plant near Golden, Colorado

The Department of Energy (DOE) proposes a project at the Rocky Flats Plant (RFP), located north of Golden, Colorado, portions of which would take place within 100-year floodplains. The location of RFP is shown in Figure 1. The project is the collection of surface water, ground water, soil, sediment, and air samples to identify the nature and extent of contamination. In addition, field surveys and sampling of terrestrial and aquatic biota would be conducted. The site characterization work would be located in Operable Unit (OU) 3 (Off-Site Areas), OU 4 (Solar Evaporation Ponds), OU 9 (Original Process Waste Lines), and OU 7 (Present Landfill) and would start in 1992. Most of the work is expected to occur during 1992, through some would continue into 1993 and later.

Project Description

OU 3

OU 3 is located on lands adjacent to the RFP site immediately to the east of the Plant's buffer zone as shown in Figure 2. Vertical soil profile trenches, measuring approximately 9 feet long, 5 feet wide and 4 feet deep, would be dug by a backhoe. Exact locations of the trenches have not been determined, but six trenches are proposed in the general locations shown in Figure 3 which could place them in a floodplain. Eleven samples would be collected from various depths in each trench. A trench can usually be dug and backfilled within a day. The soil removed from the trench would be used to backfill it.

Surficial soil samples would be collected within approximately 12 miles of RFP as shown in Figure 4. Surface soil scrapes would be taken with a small, hand-held device which collects 2 to 3 tablespoons of soil from the top one-quarter inch of the ground. Twenty-five soil scrapes would be taken from each of 60 10-acre areas on or adjacent to RFP. Virtually any of the soil scrapes has the potential to be taken from within a floodplain.

Sediment samples would be obtained in OU 3 from the sites indicated in Figure 5. Sediment sampling involves single or repeated visits to sampling stations to collect

up to a few pounds of sediments manually. Both new and existing sediment sampling stations would be used. A new sediment sampling station is established by driving a metal fence post into the ground to mark a site which can be returned to in the future. Some of the sediment sampling stations are, or would be, located on streams or ditches while other would be located on the shores or under the waters of ponds, lakes, or reservoirs. Vertical sediment profile samples would be taken from reservoir bottoms by dropping a tube through the water into the sediment. The bottom of the tube closes and up to 3 feet of sediment can be withdrawn for analysis. Sediment grab samples would also be taken from the top 2 to 3 inches of reservoir bottoms. By their nature, all sediment sampling stations and sediment sample collection activities would be in floodplains.

Surface water would be sampled at the locations shown in Figure 6. Surface water sampling involves single or repeated visits to sampling locations to gather up to a few gallons of water. Both new and existing surface water sampling stations would be used. A new surface water sampling station is established by driving a metal fence post into the ground to mark a site which can be returned to in the future. Some of the surface water sampling stations are, or would be, located on streams or ditches while other would be located on the shores or waters of ponds, lakes, or reservoirs. By their nature, virtually all surface water sampling stations and sample collection activities would be in floodplains.

Four new ground water monitoring wells would be drilled within OU 3. Two would be immediately below the dams of both Great Western Reservoir and Standley Lake as shown in Figure 7. These locations are in the floodplains of Walnut and Big Dry Creeks respectively. In well drilling, the advancing drill bit produces cuttings which are shoveled into drums pending analysis for contaminants, storage, treatment, and ultimate disposal. Wells are characteristically on the order of 6 inches in diameter and 15 to 60 feet deep, though some may be deeper. Once the well is in place, a casing is installed to ensure the integrity of the well and enable the well to draw water from the intended depths. When they have served their purpose, the wells would be abandoned in accordance with RFP standard operating procedures (plugging and capping). To collect water samples from ground water monitoring wells, a collection device is lowered into a well where it fills with water. The device is then pulled back to the surface, and the water is poured into another container.

Site characterization work at OU 3 would include establishment and operation of air and meteorological monitoring stations. Three types of air sampling and meteorological monitoring would occur at OU 3. The locations of all three activities are shown in Figure 7. The first activity would be installation of three new, high-volume air samplers. Two of the samplers would be located at Standley Lake while the third would be at a site to be selected in a residential area near the lake. An air sampler

is a piece of equipment housed in a stainless steel box approximately 2 feet on each side. Installation of an air sampler involves pouring a concrete pad on which the air sampler is mounted and bringing electric power to the site. The concrete pads and the samplers would be removed when the study is completed. One of the samplers would be located in or near the southwestern floodplain of Standley Lake but in an area unlikely to be inundated by anything other than a large (50 to 100 year) storm event.

The second activity is installation of two new meteorological monitoring stations. Each of the stations consists of a 6-meter tower on a small concrete pad. The towers may be fenced for protection if necessary. Each tower would hold instruments to measure meteorological characteristics and may be supported by guy wires. One of the meteorological towers would be located at a terrestrial site approximately a mile east of the eastern RFP, south of Great Western Reservoir. The second meteorological tower would be co-located with the air sampler that is in or near the southwestern floodplain of Standley Lake.

The third activity in the OU 3 air sampling program is use of small and medium-sized portable wind tunnels to characterize and measure the ability of winds at various speeds to move sediments on the exposed areas of the Standley Lake bed. The wind tunnels would be mounted on a small trailer and have an open-floored test section which would be placed over the surface of the lake bed to be tested. Air would be drawn through the test section at controlled velocities. The air stream would pass through a duct fitted with a filter which would collect particulates raised from the lake bed by the wind. The particulate samples would be sent to a laboratory to identify their volume and constituents. Six tests would be conducted at each of three sites in late summer when soil moisture is generally at its lowest level. Each of the tests would take about 1 day. One site would be on the bed of Standley Lake, the second on the bed of Great Western Reservoir, and the third on an unidentified upland site south of Great Western Reservoir.

Terrestrial and aquatic biota sampling in OU 3 are presented in Figure 8. The samples would be gathered using standard collection techniques such as vegetative clipping, live animal trapping, and field surveys to make population counts. These activities would continue for a year. Flora and fauna samples would be collected from floodplains.

OU 4

The location of OU 4 is shown in Figure 9. Site characterization work at OU 4 would include three types of field work that would take place within floodplains. There are approximately 35 surficial soil sample locations within OU 4 shown in Figure 11. At each location, two 1-meter square areas would be staked out 1 meter apart. Samples would be collected from within each square from a depth of up to 1 inch with either a plug-type collector or a scoop. Three of the surficial soil sample locations are located in the Walnut Creek floodplain.

Borehole drilling in unconsolidated material is the third type of activity that would take place in the North Walnut Creek floodplain at OU 4. Four boreholes would be drilled in the floodplain on the south side of North Walnut Creek at the locations presented in Figure 14. A drill rig would be driven to the site and used to drill the boreholes. Boreholes are characteristically 6 inches in diameter and 15 to 60 feet deep, though some may be deeper. Each borehole can usually be drilled within a day. During drilling, the advancing drill-bit produces a core of soil and/or rock, which is preserved for analysis, and drill cuttings which are shoveled into drums pending analysis for contaminants, storage, treatment, and disposal. When drilling is completed, surface evidence of the activity is downed vegetation around the immediate site and a 6-inch pipe extending 2 to 3 feet above the ground. Some boreholes may be completed as wells by installing a well casing and screen. When they have served their purpose, boreholes and wells would be abandoned in accordance with RFP standard operating procedures (plugging and capping).

Finally, samples of flora and fauna would be taken at selected sites in OU 4, some in the floodplain. Representative locations are shown in Figure 15.

OU 9

The location of OU 9 is shown in Figure 16. The OU consists of a system of underground pipelines, shown as dashed lines in the Figure. Field work at OU 9 that would be in a floodplain is limited to flora and fauna sampling and the possibility of some excavation at the extreme eastern end of the OU in the headwaters of South Walnut Creek as indicated in Figure 17. Flora and fauna sampling activities would be the same as those undertaken in OU 3 (shown in Figure 18).

Certain portions of OU 9 extend east of the Protected Area (PA), The high security area of RFP, and may enter the floodplain of Walnut Creek or South Walnut Creek. It is not clear from existing documents whether the pipeline system in this area has already been removed, so field work may be undertaken along the length of the two eastern ends of the lines to determine if they still exist. One of these lines is believed to terminate near South Walnut Creek between the two security fences and may be in the floodplain in that area. The second line may extend along the top of the ridge for a distance of approximately 2,000-2,500 feet east of the PA fence, possibly as far as Pond B-2. If it still exists, a portion of this line could also be in a floodplain. Field work along both lines would consist of backhoe excavations on 200-foot centers approximately 4 feet wide by 10 feet long by up to 11 feet deep to determine how far the pipeline extends. Soil samples would be taken from the excavations where a pipeline is found.

OU 7

OU 7, the Present Landfill is located approximately 1,300 feet north-northwest of the parking lot on the northern edge of the Plant's PA on a ridge above Walnut Creek.

The site is shown in Figure 19. Field work at OU 7 during 1992-1993 would be limited to two types of sampling. At the locations indicated by the letter "V" on Figure 19, vegetation and soil samples would be collected. Approximately four of those locations are in or near a floodplain. Soil samples would be collected with a hand held device from the top 2 to 3 inches of the ground. The sites indicated by an "A" are aquatic sites, all of which are in a floodplain. Water, flora, fauna, and sediment samples would be collected at each of these sites. Water and sediment samples would be up to a few quarts of water and a few pounds of sediments and would be collected by hand.

Effects

Because of the non-invasive character and short duration of the floodplain activities of this project, it is expected that the project would have no positive or negative, direct or indirect, or long-term effects on floodplains. Short-term effects would include the crushing or clipping of small areas of vegetation and the disturbance of small areas of soil from the excavation of soil test pits. None of the site characterization activities would have any affect on lives or property or on the natural and beneficial values of the floodplains.

Alternatives

DOE is required by statute (Comprehensive Environmental Response, Compensation and Liability Act and Resource Conservation and Recovery Act) and by Agreement (Interagency Agreement with the Environmental Protection Agency and the Colorado Department of Health) to clean up contaminated areas at RFP. Cleanup activities cannot be initiated until the sites to be cleaned have been characterized to identify the nature and extent of the contamination and the physical characteristics of the site. The activities that constitute this project are designed to accomplish this end. Developing alternatives to the site characterization must take place in the areas that are thought to be contaminated. Sampling activities have been located outside floodplains to the maximum extent possible. Therefore no alternative to the proposed sampling within floodplains is practicable.

Standard operating procedures that would be employed to avoid impacts to the floodplains during this project are:

1. All vehicles would stay on established roads or tracks to the maximum extent feasible.
2. Activities would be scheduled to the extent possible to avoid high soil moisture condition when vehicles might cause excessive damage to the terrain.

[FR Doc. 92-23867 Filed 10-1-92; 8:45 am]

BILLING CODE 6450-01-M

Floodplain Statement of Findings for the Sitewide Treatability Study Rocky Flats Plant, Golden, Colorado

AGENCY: Department of Energy (DOE).

ACTION: Floodplain statement of findings.

SUMMARY: This is a Statement of Findings prepared pursuant to Executive Order 11988 and 10 CFR Part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. The Site-Wide Treatability Study (the proposed action) would evaluate 10 technologies for cleaning up soil, ground water, and surface water at sites at which hazardous and/or radioactive material has been released to the natural environment at the Rocky Flats Plant (RFP). Some activities associated with this study would occur in floodplains. DOE does not expect any of the activities to have a positive or negative effect on any floodplain.

DOE is presently engaged in a program to clean up each contaminated location under an Interagency Agreement (IAG) with the U.S. Environmental Protection Agency and the Colorado Department of Health. Cleanup actions must be undertaken pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA). The purpose of the Site-Wide Treatability Study is to identify treatment technologies that can be applied to cleaning up RFP as specified in the IAG. A Site-Wide Treatability Study is being undertaken to avoid the duplication of performing separate treatability studies for each cleanup action in the IAG.

Sixteen Operable Units (OUs) have been established at RFP. OUs are administrative groupings of individual hazardous substance sites that have been identified at RFP. Each OU will be studied to characterize the nature and extent of contamination present to determine the present risk to the environment and human health. Where those risks are unacceptably high, technologies suitable for remediating the OUs to a level that is acceptable will be identified. The Proposed Action will help DOE identify the most effective, efficient, and appropriate technologies for use at the OUs. Without a comprehensive site-wide study, treatability tests would have to be repeated at each OU, adding significant time and expense to the program without any offsetting benefits.

DATES: Comments on the Statement of Findings must be postmarked by October 19, 1992.

ADDRESSES: All comments concerning this Statement of Findings or requests for copies of the Floodplain/Wetland Assessment should be addressed to: Floodplain/Wetland Comments, Ms. Beth Brainard, Public Affairs Office, U.S.

Department of Energy, Rocky Flats Plant, Post Office Box 928, Golden, CO 80402-0928, Telephone 303-966-5998.

FOR FURTHER INFORMATION CONTACT:

For information on the proposed action, contact the address above. For information on floodplain/wetland environmental review requirements contact: Carol M. Borgstrom, Director, Office of NEPA Oversight (EH-25), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone 202-586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: On March 30, 1992, DOE published in the Federal Register (57 FR 10754) a Notice of Floodplain/Wetland Involvement an opportunity to comment on the Site-Wide Treatability Study. No comments were received, and DOE proceeded to assess the impacts of the proposed action during and after its implementation. On the basis of the Floodplains/Wetlands Assessment for the proposed activity, prepared pursuant to 10 CFR 1022.12, the DOE has determined that there is no practicable alternative to the proposed alternative and that the proposed activities have been designed to avoid or minimize impacts on the floodplains.

The Proposed Action consists of the laboratory testing of 10 remediation technologies for use on water and soil. The rationale for selection of individual technologies and general methods for performing the Site-Wide Treatability Study are described in the "Final Site-Wide Treatability Study Plan" dated June 3, 1991. Only the portion of the study which would involve floodplains, such as soil and water sampling, is described in this Statement.

The total volume of water samples to be collected is approximately 300 gallons. These water samples will be collected from existing wells and surface water sampling locations. It may be necessary to drill new wells if water samples of adequate size and quality cannot be obtained from the existing wells. All of the surface water sample locations and some of the existing water wells will be located within 100-year floodplains along Woman and Walnut Creeks.

Soil samples may be taken within floodplains. Soil samples will typically be gathered by hand with shovels from the top 10-20 centimeters of soil. A backhoe may be used if the appropriate quality of soil samples cannot be obtained by shovel. Total volume of soil samples to be collected is approximately 1,650 gallons or 30 55-gallon drums.

Alternatives Considered

The No-Action alternative would consist of not performing any treatability tests and, therefore, no sampling. This alternative is not considered acceptable because remediation of a site cannot reasonably be pursued without identifying and testing the technologies to be used to effect the cleanup. In addition, RCRA and CERCLA require the cleanup of contaminated sites, and this alternative would not be consistent with the IAG among DOE, the State of Colorado, and the Environmental Protection Agency to remediate the 16 OUs at RFP. Thus, the No-Action alternative is not acceptable.

Another alternative would have excluded sampling of any kind from the floodplains. Such an alternative would have made the collection of surface water and sediment samples impracticable. Drilling of new wells or boreholes would also have been precluded from the floodplain, thus compromising the integrity of the sampling. This alternative was eliminated as unreasonable.

A third alternative would have allowed all sampling except the drilling of new wells or boreholes since that element would be the most invasive. As in the above alternative, the integrity of the sampling would have been compromised so this alternative was likewise eliminated.

Floodplain Considerations

Acquisition of water samples and conduct of the Site-Wide Treatability Study is anticipated to have no significant effect on floodplains where samples are collected. Samples will be collected from existing sampling locations to the greatest extent possible. It may be necessary to drill additional wells if the existing sampling locations are not able to provide the necessary ground water samples, but this is not expected. The quantities of water to be taken (approximately 300 gallons from different locations at different times) are very small and their withdrawal will not have a measurable effect on water resources. All sample acquisitions will follow RFP procedures.

Hand sample gathering is likely to occur within the floodplains of Woman and/or Walnut Creek. Such sampling will not impact the present or future condition of those floodplains.

The activities are consistent with the guidelines provided by Section 42 of the Jefferson County, Colorado, zoning regulations. The State of Colorado defers regulations of floodplains to local governments.

Maps showing the locations of this proposed work are available from the Rocky Flats Office (see ADDRESSES, above.)

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

Floodplain/Wetland Assessment Implementation of the Site-Wide Treatability Study

Introduction

A Site-wide treatability Study is to be undertaken by the Department of Energy (DOE) at its Rocky Flats Plant (RFP) north of Golden, Colorado. This study is being undertaken in support of activities that are being carried out under the requirements of the Comprehensive Environmental Response, Compensation and Liability Act and the Resource Conservation and Recovery Act, and as part of the implementation of the Interagency Agreement among DOE, the Environmental Protection Agency, and the Colorado Department of Health. The study involves collection of samples of contaminated ground water, surface water, sediments, and soil which will be taken to on- and off-site laboratories. In the laboratories, various technologies will be applied to the samples to test their ability to remove or neutralize the contaminants. All tests will be indoors and will be conducted as small-scale jar/beaker or bench-scale tests.

Project Description

The proposed action is a 3-year program consisting of the laboratory testing of approximately 10 remediation technologies. "Laboratory testing" means that tests will be conducted inside laboratories using quantities of sample material and agents that will fit in laboratory-scale or bench-scale studies, as distinguished from pilot-scale or full-scale studies involving much larger samples, larger equipment, and testing in the field. Pilot- and full-scale studies are not part of the proposed action.

The portion of the proposed action that will occur in floodplains and/or wetlands is the obtaining of samples of surface water and sediments. In addition, some ground water and soil samples may also be taken from within floodplains and/or wetlands.

Water samples will be collected from existing boreholes and surface water sampling locations on Operable Units 1 (881 Hillside Area), 2 (903 Pad Area), 3 (Off-Site Areas), 4 (Solar Evaporation Ponds), 5 (Woman Creek), 6 (Walnut Creek), and/or 7 (Present Landfill) and the South Interceptor Ditch.

It may be necessary to drill new boreholes if samples of adequate size and quality cannot be obtained from existing boreholes. It is possible, but not expected, that up to 10 new boreholes or wells could be drilled, some of which might be in a floodplain or wetland. Drilling a new borehole or well involves driving a drilling rig to the selected site and drilling the hole, usually within a day. Wells are typically 20 to 60 feet deep. As the drill bit advances, drill cuttings are brought to the

surface where they are shoveled into metal drums. The drums of cuttings are either saved as samples to be tested or are stored pending analysis and appropriate disposal. The surface signs of a new well or borehole are downed vegetation in the immediate areas of the hole and a pipe sticking 2 to 3 feet above the ground.

Drilling of wells and boreholes is the most invasive element of the proposed action. It is expected that the necessary soil and ground water samples can be obtained from existing holes; but, if this proves not to be case, additional holes will be drilled. No specific locations have been identified at this time, since the action not expected. If such holes do prove necessary, every effort will be made to site such holes outside of floodplains and wetlands. Because most wetlands at RFP tend to be either linear or very small, moving a well a few feet can avoid a wetland, usually without compromising the integrity of the program or affecting the results. Based on the description or drilling presented above, drilling in wetlands is not expected to have a negative effect on the wetland beyond the temporary downing of vegetation.

Floodplains at RFP tend to be much larger than the wetlands: often 100 to 200 feet wide. Consequently, moving a well out of the floodplain may be more difficult. Wells will be located out of floodplains where practicable, but there may be cases where a well is drilled in a floodplain. Based on the description of drilling presented above, drilling in floodplains is not expected to have a negative affect on the floodplain beyond the temporary downing of vegetation.

Individual samples of surface water are expected to average about 2 liters. Individual ground water samples will be somewhat larger. Total volume of water samples planned to be collected during the study is approximately 1,200 liters. Samples will be taken at various times during the study and from various locations at wells, seeps, and ponds. Appropriate RFP standard operation procedures for obtaining soil samples will be used, regardless of the sample gathering method used.

After collection, all samples will be appropriately packaged and sent to the on- or off-site laboratory where the relevant test is to take place.

None of the activities are expected to have a positive or negative, direct or indirect, long- or short-term effect on any floodplain or wetlands. The activities will not affect lives or property and will not change existing floodplain values. Activities that take place within wetlands will not have any effect on the survival, quality, or natural and beneficial values of the wetlands.

Alternatives

No-Action Alternatives

The No-Action alternative is to not undertake the Site-Wide Treatability Study. Such studies form the basis for identifying techniques for remediating contaminated sites, and failure to undertake such studies is likely to result in failure to identify a workable, or the optimum, remediation technology for use in various conditions. The negative environmental consequences of such a situation are very likely to be far greater

than the minimal environmental effects of the proposed action.

No Sampling in Floodplains or Wetlands

Implementation of this alternative would necessarily preclude the gathering of surface water and sediment samples, making impossible the testing of means to clean these two types of environmental media. This alternative is dismissed as unreasonable on this account.

No Drilling in Floodplains or Wetlands

The possible drilling of new wells/boreholes is the most invasive element of the proposed action. The proposed action will minimize the number of new holes drilled and will attempt to locate any new holes outside of wetlands/floodplains. Drilling no new holes in wetlands/floodplains may occur under the proposed action, but committing to drilling no new holes in wetlands/floodplains could compromise the integrity of the study in the unlikely case that the only suitable sample of contaminated media happened to be located in a wetland/floodplain. Such a commitment would accomplish little, anyway, since the effects of drilling in a wetland/floodplain are considered to be negligible and temporary.

[FR Doc. 92-23868 Filed 10-1-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RS92-4-000]

Texas Gas Transmission Corp.; Conference

September 28, 1992.

Take notice that on October 13, 1992, a conference will be convened in the above-captioned docket to discuss Texas Gas Transmission Corporation's summary of its proposed plan for implementation of Order No. 636 and Order No. 636-A.

The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426, in Hearing Room Number One. The conference will begin a 1 p.m. on October 13, 1992. All interested persons are invited to attend. Attendance at the conference, however, will not confer party status. For additional information, interested persons may call Stanley Wolf at (202) 208-0442.

Lois D. Cashell,
Secretary.

[FR Doc. 92-23949 Filed 10-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC92-13-000]

Williams Natural Gas Co.; Tariff Sheet Filing

September 28, 1992

Take notice that on September 15, 1992, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed revised tariff sheets to become effective November 1, 1992, pursuant to § 281.204(b)(2) of the Commission's Regulations which requires interstate pipelines to update their respective index of entitlements annually to reflect changes in priority 2 entitlements (Essential Agricultural Users).

Pipeline, Docket No. and Tariff Sheets

Williams Natural Gas Company TC92-13-000	Second Revised Sheet Nos. 265-269
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Filed: September 15,
1992

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before October 8, 1992, file with the Federal Energy Regulatory Commission, Washington DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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. 92-23950 Filed 10-1-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 92-67-NG]

Columbus Energy Corp.; Order Granting Blanket Authorization to Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Columbus Energy Corp. blanket authorization to export up to 100 Bcf of

natural gas to Mexico over a two-year term beginning on the date of the first export.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 24, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-23963 Filed 10-1-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-71-NG]

Offshore Gas Marketing, Inc.; Order Granting Blanket Authorization to Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Offshore Gas Marketing, Inc. a blanket authorization to export up to 150 Bcf of natural gas to Mexico over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-23964 Filed 10-1-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-100-NG]

Orange and Rockland Utilities, Inc., Application for Long-Term Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed by Orange and Rockland Utilities,

Inc. (Orange and Rockland), on July 31, 1992, as supplemented August 24, 1992, for authorization to import up to 25,000 Mcf of natural gas per day from Canada. The gas would be imported from KannGaz Producers, Ltd. (KannGaz), at Niagara Falls, New York, under a gas purchase agreement with an initial term beginning December 1, 1992, and extending to October 31, 2002. The proposed authorization would enable Orange and Rockland, a sales customer of Tennessee Gas Pipeline Company (Tennessee), to import this gas directly from Tennessee's Canadian supplier.

The application is filed under section 3 of the Natural Gas Act (NGA) 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 November 2, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590
 Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0508

SUPPLEMENTARY INFORMATION: Orange and Rockland is a combination electric utility and natural gas distribution company operating in the States of New York and New Jersey with executive offices in Pearl River, New York. The proposed natural gas imports would be used by Orange and Rockland for its system supply for resale to residential, industrial, and commercial end-users, including non-utility electric generators, and for use in Orange and Rockland's own retail electric generation facilities. The imports proposed in this application are volumes Tennessee previously purchased from KannGaz and resold to Orange and Rockland under Tennessee's existing import authorization granted in DOE/RE Opinion and Order No. 195-B. See 1 FE ¶ 70,551 (October 31, 1989). As before, Tennessee would deliver the imported gas from Niagara Falls using its Niagara Spur interconnection with the pipeline system of TransCanada Pipelines

Limited (TransCanada). The transportation service to be provided Orange and Rockland would not require any new pipeline facilities.

Orange and Rockland has executed a gas purchase and sales agreement with KannGaz dated June 15, 1992. The maximum daily quantity (MDQ) in the agreement is 25,000 Mcf. Purchases would be arranged on a monthly basis with Orange and Rockland notifying KannGaz by a specified date of the amount it desires to import up to the MDQ. If Orange and Rockland's nominations average less than 80 percent of the MDQ for the winter period of November through March, or 90 percent in the summer, April through October, then it must make a deficiency payment to KannGaz. The deficiency payment is calculated as the difference between the actual nominations and either 80 or 90 percent of the MDQ, as applicable, multiplied by seven percent of the applicable average commodity charge under the contract's pricing provisions. If less than full MDQ is nominated at any time, KannGaz would have the right to use Orange and Rockland's unutilized transportation capacity on TransCanada or NOVA to market such gas itself. In addition to the deficiency payment, if Orange and Rockland on any day nominates less than the monthly nomination estimate in effect on that day, it will be obligated to pay a nomination adjustment fee. That fee would be 4% of the commodity price times the difference in the monthly nomination estimate and the actual nomination.

The price paid by Orange and Rockland for gas purchased from KannGaz would consist of a monthly demand charge, commodity charge, and reservation charge. The demand charge is comprised of the demand charges paid by KannGaz in that month for transportation on NOVA and TransCanada to Niagara Falls. The commodity charge is the product of the amount of gas delivered and 90 percent of the commodity price. The commodity price is the average of the monthly index prices for spot natural gas delivered to ANR Pipeline Company, Texas Eastern Transmission Company, and Tennessee in the State of Louisiana and TransContinental Gas Pipeline Corporation in Texas, as published in *Inside F.E.R.C.'s Gas Market Report*. The reservation charge is equal to the product of 10 percent of the commodity price and the MDQ. Further, the agreement stipulates that the demand charge must be paid by Orange and Rockland each month regardless of the quantity of gas purchased.

Based on the supplemental information filed by Orange and Rockland on August 24, 1992, the commodity and reservation charges that would have been paid if the gas were flowing in August 1992 would have been \$1.3095 (U.S) per MMBtu and \$0.1455 (U.S.) per MMBtu, respectively.

Any time Orange and Rockland's takes are less than the MDQ and KannGaz is able to sell this gas to a third party at Niagara Falls at a price higher than the monthly commodity price in effect for Orange and Rockland, then such sales would be credited to Orange and Rockland's demand charges. The amount to be credited by KannGaz for each Mcf sold elsewhere is one-half of the difference between the third party sales price and Orange and Rockland's commodity price.

The contract contains a provision for renegotiation every two years with respect to the method to be used for determining the monthly commodity price. If agreement is not reached, binding arbitration could be invoked. Also, there are provisions to ensure that sufficient gas will be available to satisfy the Orange and Rockland commitment.

In support of the application, Orange and Rockland states that the gas proposed to be imported will be priced competitively and the volumes are needed to meet its long-term system demand. In addition, Orange and Rockland asserts that KannGaz has established itself over a number of years as a reliable Canadian supplier.

The decision on Orange and Rockland's application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In the case of a long-term arrangement such as this, other matters will be considered in making a public interest determination include need for the natural gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as they relate to the requested import authorization. Orange and Rockland asserts that this import arrangement is in the public interest. Parties opposing the proposed import arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C., 4321 *et seq.*, requires DOE to give appropriate

consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any requests 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 to 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 request 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 the notice, in accordance with 10 CFR 590.316.

A copy of Orange and Rockland's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-23965 Filed 10-1-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

(ER-FRL-4516-5)

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 14, 1992 Through September 18, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Draft EISs

ERP No. D-AFS-K53005-AZ Rating LO. Grand Canyon Airport to Maswik Transportation Area, Grand Canyon Village Passenger Rail Service Construction and Operation, Approval and Special Use Permit, Coconino County, AZ.

Summary: EPA expressed a lack of objections with the proposed action but requested that the Final EIS address several issues, including air quality impacts from increased intrapark bus service; any necessary mitigation for impacts to waters of the United States; and plans to discharge stormwater from the airport parking lot.

ERP No. D-AFS-L60096-ID Rating EC2. Moyer Salt Timber Sale, Timber Harvest and Road Construction/ Reconstruction, Implementation, Salmon

National Forest, Cobalt Ranger District, Lemhi County, ID.

Summary: EPA expressed environmental concerns based on the potential for adverse water quality effects. Documentation of consultation requirements of Section 7 of the Endangered Species Act is also needed.

ERP No. D-BLM-K08017-00 Rating EC2, Southwest Intertie Project, Construction and Operation, 500kV Transmission Line from the existing Midpoint substation near Shoshone, ID to a new substation site in the Dry Lake Valley of Las Vegas, NV area to a point near Delta, UT, Permits Approval and COE Section 10 and 404 Permits, several Counties, NV, ID, UT.

Summary: EPA expressed environmental concerns regarding potential project impacts to water quality, wetlands and biodiversity. EPA requested additional information in the Final EIS regarding impact minimization, mitigation, and the monitoring of impacts.

ERP No. D-COE-D01000-VA Rating E02, Norfolk and Western Railway Ground Coal Storage Facility, Construction and Operation, COE 404 Permit, Isle of Wright County, VA.

Summary: EPA expressed objections to the proposed project based on the magnitude of potential impacts of coal dust emissions and periodic waste water discharge to 98 acres of wetlands. In addition, alternatives were not presented in a comparative format and some alternatives were eliminated from further consideration without adequate justification.

ERP No. D-COE-K89007-CA Rating EC2, Arts Park LA Development and Construction, Approval, Lake Balboa Park, Sepulveda Flood Control Basin, San Fernando Valley, City of Los Angeles, Los Angeles County, CA.

Summary: EPA expressed concern that the Draft EIS did not provide adequate information on alternative sites and that, as proposed, the project might be incompatible with applicable floodplain management guidelines. Water quality and noise impacts incident to construction were also of concern. EPA recommended that the Corps reexamine the need for the project and then explore sites for it outside the flood control basin.

ERP No. D-FHW-K40189-CA Rating E02, CA-126 Extension, I-5 to CA-14, Funding and Possible COE Section 404 Permit, City of Santa Clarita, Los Angeles County, CA.

Summary: EPA expressed objections to the acreage of wetlands that could be affected by the proposed build alternatives (54 acres vs. 39 acres) and stated that other less-damaging

alternatives may have been prematurely eliminated from detailed analysis. EPA stated that the DEIS did not discuss the No Project Alternative in enough detail to compare the merits of action versus no action, especially with respect to air quality impacts.

ERP No. D-GSA-F81017-MN Rating EC2, Minneapolis Federal Building and U.S. Courthouse Improvement and Expansion or New Construction, Implementation, Hennepin County, MN.

Summary: EPA expressed concerns regarding the Draft EIS indoor air quality and use of appropriate building materials. EPA does not believe that the Draft EIS has addressed removal of existing structures containing asbestos, five underground storage tanks, and an above-ground storage tank.

ERP No. D-UAF-G11021-AR Rating EC2, Eaker Air Force Base Disposal and Reuse, Implementation, Mississippi County, AR.

Summary: EPA recommended that additional information and analysis be provided in the Final EIS on the following areas: the possible need for DPDES Permits for storm water discharges associated with possible industrial activities during reuse activities; pollution prevention activities related to the disposal and reuse plan; relationship of the proposed action to the closure of Blytheville Municipal Airport; and implementation of proposed mitigation measures for each reuse option by reuse recipients.

ERP No. D-UAF-G11022-LA Rating EC2, England Air Force Base Disposal and Reuse, Implementation, Rapides Parish, LA.

Summary: EPA recommended that additional information and analysis be provided in the final EIS on the following areas: the possible need for NPDES Permits for storm water discharges associated with possible industrial activities during reuse activities; pollution prevention activities related to the disposal and reuse plan; relationship of the proposed action to the closure of Alexandria Esler Regional Municipal Airport; and implementation of proposed mitigation measures for each reuse option by reuse recipients.

ERP No. D1-FAA-F51037-MI Rating EC2, Detroit Metropolitan Wayne County Airport, Air Traffic Control Noise Abatement Procedures, Permanent Implementation and Completion of the Master Plan Development, Wayne County, MI.

Summary: EPA's concerns will be adequately addressed if satisfactory mitigation as described in the DEIS is subsequently provided, and if appropriate steps are taken as necessary to minimize the project's

potential for resulting in neighborhood disruption.

Final EISs

ERP NO. F-BOP-G81005-TX Jefferson County Federal Correctional Complex, Construction and Operation, Site Selection, City of Beaumont, Jefferson County, TX.

Summary: EPA had no objections to the proposed project.

Dated: September 29, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-23926 Filed 10-1-92; 8:45 am]

BILLING CODE 6560-50-W

[ER-FRL-4516-4]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 280-5076 OR (202) 260-5075.

Availability of Environmental Impact Statements Filed September 21, 1992 Through September 25, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920379, Legislative Draft EIS, AFS, OR, Steamboat Creek Wild and Scenic Suitability Study, Designation, North Umpqua River, Umpqua National Forest, Douglas and Lane Counties, OR, Due: November 16, 1992, Contact: Nancy L. Peckman (503) 496-3532.

EIS No. 920380, Draft EIS, AFS, WA, East Curlew Creek Analysis Area, Harvesting Timber and Road Construction, Portion of Profanity Roadless Area, Colville National Forest, Republic Ranger District, Ferry County, WA, Due: November 23, 1992, Contact: Patricia Egan (509) 775-3905.

EIS No. 920381, Final EIS, BLM, UT, Castlegate Coalbed Methane Gas Production Project, Construction, Operation, Maintenance and Abandonment Approval, Drilling Control, Temporary Use, Federal Antiquities, COE Section 404 and DOT Federal Pipeline Safety and Operations Permits and Right-of-Way Grants, Carbon County, UT, Due: November 02, 1992, Contact: Daryl Trotter (802) 259-2100.

EIS No. 920382, Final EIS, AFS, AK, Alaska Pulp Corporation (APC) Long-Term Timber Sale Contract, Implementation, Southeast Chichagof Project Area, Tongass National Forest, AK, Due: November 02, 1992, Contact: Gary A. Morrison (907) 747-4200.

EIS No. 920383, Final EIS, GSA, DC, Southeast Federal Center

Construction and Consolidation for the housing of the General Services Administration and the Corp of Engineers Headquarters' Offices, Southeastern Quadrant of the Anacostia River, DC, Due: November 02, 1992, Contact: Linda L. Eastman (202) 708-5334.

EIS No. 920384, Draft EIS, FHW, PA, Danville-Riverside Bridge Replacement Project, Construction and Road Construction, across the North Branch of the Susquehanna River, Funding and Section 404 Permit, Appalachian Mountain, Montour and Northumberland Counties, PA, Due: November 25, 1992, Contact: Manuel A. Marks (717) 787-2222.

Dated: September 29, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-23925 Filed 10-1-92; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00340; FRL-4167-9]

State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Ground Water Protection and Pesticide Disposal; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Ground Water Protection and Pesticide Disposal will hold a 2-day meeting, beginning on October 8, 1992, and ending on October 9, 1992. This notice announces the location and times for the meeting and sets forth tentative agenda topics.

DATES: The SFIREG Working Committee on Ground Water Protection and Pesticide Disposal will meet on Thursday, October 8, 1992, from 8:30 a.m. to 5 p.m. and on Friday, October 9, 1992, beginning at 8:30 a.m. and adjourning at approximately noon.

ADDRESSES: The meeting will be held at: DoubleTree Hotel National Airport - Crystal City, 300 Army-Navy Drive, Arlington, Virginia, (703) 892-4100.

FOR FURTHER INFORMATION CONTACT: By mail: Shirley M. Howard, Office of Pesticide Programs (H7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Room 1109, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia, (703) 305-7371.

SUPPLEMENTARY INFORMATION: The tentative agenda of the SFIREG Working Committee includes the following:

1. Reports from the SFIREG Working Committee Members on State Ground Water Protection Pesticide Disposal projects.
2. Status Report on Ground Water State Management Plans.
3. Briefing on 40 CFR part 165.
4. Update on FIFRA section 19(f).
5. Discussion of Amber Registration.
6. Discussion on the Bulk Containment Policy.
7. Other topics as appropriate.

Dated: September 25, 1992.

Douglas D. Camp,

Director, Office of Pesticide Programs.

[FR Doc. 92-23955 Filed 10-1-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL DEPOSIT INSURANCE CORPORATION

Determination to Provide Assistance

Pursuant to the provisions of section 13(c)(8) of the Federal Deposit Insurance Act (the FDI Act) (12 U.S.C. 1823(c)(8)), as amended by the Federal Deposit Insurance Corporation Improvement Act of 1991, notice is hereby given that at its closed meeting held at 10:30 a.m. on September 1, 1992, the Federal Deposit Insurance Corporation's (the Corporation's) Board of Directors determined to provide assistance to The Peoples State Bank, Clyde, Texas (Peoples), in order to facilitate the merger of Freedom Bank, Ranger, Texas (Freedom Bank), with and into Peoples before the appointment of a conservator or receiver for Freedom Bank.

Subject to the least-cost provisions of section 13(c)(4) of the FDI Act (12 U.S.C. 1823(c)(4)), the Corporation, pursuant to section 13(c)(8), determined to provide direct financial assistance after: (1) The Corporation determined that grounds for the appointment of a conservator or receiver exist or likely will exist in the future unless Freedom Bank's capital levels are increased; (2) the Corporation determined that it is unlikely that Freedom Bank can meet all currently applicable capital standards without assistance; (3) based on information currently available to the Corporation, the Corporation determined that Peoples' management, as reconstituted in the course of the transaction, is competent and has complied with applicable laws, rules, and supervisory directives and orders; and (4) based on information currently available to the Corporation, the Corporation determined that Peoples' management, as reconstituted in the course of the

transaction, has not engaged in any insider dealing, speculative practice or other abusive activity. The determinations described under (3) and (4) above are based on information that could be obtained in the time available. The determinations shall not prejudice future action if subsequent information indicates that such action is appropriate.

Additional information on this notice can be obtained by contacting Christopher Curtis, Senior Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429. Telephone: (202) 898-3728.

By direction of the Board of Directors.

Dated this 1st day of September, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-23911 Filed 10-1-92; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 92-47]

Hugh Symington v. Euro Car Transport, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Hugh Symington ("Complainant") against Euro Car Transport, Inc. ("Respondent") was served September 29, 1992. Complainant alleges that Respondent engaged in violations of sections 10(b)(6), (b)(12) and (d)(1) of the Shipping Act of 1984, 46 U.S.C. 1709(b)(6), (b)(12) and (d)(1), by obtaining the funds from Complainant to purchase a car on behalf of Complainant and pay for its transportation and insurance, and failing and refusing to deliver the car or return the funds to Complainant.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by September

29, 1993, and the final decision of the Commission shall be issued by January 27, 1994.

Joseph C. Polking,
Secretary,

[FR Doc. 92-23921 Filed 10-1-92; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 89-27]

**Martyn Merritt, AMG Services, Inc.;
Possible Violations of Sections
10(a)(1) and 10(b)(1) of the Shipping
Act of 1984**

Order on Remand

This proceeding is on a remand to the Commission from the United States Court of Appeals for the Second Circuit. The proceeding originated as a Commission investigation into possible violations of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1701, *et seq.*, by Martyn Merritt ("Merritt") and AMG Services, Inc. ("AMG" or "Ariel"), Oasis Express Line ("Oasis"), Javelin Line ("Javelin"), Trans Africa Line ("Trans Africa"), Coast Container Line ("Coast"), Buccaneer Line ("Buccaneer"), and Union Exportadora Lines ("Union"). Subsequently, the Commission, in its Order Adopting Initial Decision and Remanding In Part, served May 20, 1991, _____ F.M.C. _____, 25 S.R.R. 1495 (1991) ("1991 Order"), found a pattern of persistent and willful activity in violation of sections 10(a)(1) and 10(b)(1) of the 1984 Act, 46 U.S.C. 1709(a)(1) and 1709(b)(1), including unauthorized use of a connecting carrier agreement and the failure of the six carriers (Javelin, Oasis, Trans Africa, Buccaneer, Union and Coast) to charge the rates applicable in filed tariffs on 64 shipments, as well as attempts to conceal these activities. The Commission further found that the activities of all of the corporations involved in these violations were directed and controlled by Martyn Merritt. The Commission assessed civil penalties totalling \$1.4 million, ordered Merritt and the corporate respondents to cease and desist from further violations of the 1984 Act, suspended the tariffs of the respondent carriers, and prohibited the filing replacement tariffs by Merritt, the respondent corporations or any agency or successor.

Although neither Merritt nor the other respondents had appeared in the proceeding below until after the close of the record, Merritt appealed the Commission's assessment of penalties totalling \$395,000 against him individually to the Second Circuit, arguing that the Commission had failed

to consider his ability to pay the civil penalties assessed.

The court vacated the penalty on grounds that the Commission had not produced or considered evidence of Merritt's ability to pay the penalties imposed. The court held that the burden of producing evidence of a respondent's ability to pay any penalty assessed is on the agency. The court concluded that "the Commission erred by failing to require production of evidence (in the proceeding before the administrative law judge ("ALJ") going to Merritt's ability to pay a fine and by failing to make specific findings on that issue." However, the court also ruled that the Commission was not obliged to grant a hearing to a respondent who refused to accept service of process and failed to appear or respond to Commission orders until after the close of the record. Specifically, the court directed that:

(o)n remand, the Commission should make specific findings on Merritt's ability to pay a fine should it decide to reinstate one. Should the Commission decide on remand that a hearing would be helpful, it of course may order one * * *. We express no view on whether the amount of the penalty originally assessed is excessive.

Merritt v. United States, 960 F.2d 15, 18-19 (2nd Cir. 1992). The case was remanded to the Commission for further proceedings in accordance with the court's opinion.

Background

Docket No. 89-27 is the second proceeding in which the Commission has found violations by Merritt, his associates, and companies he created and operated. In the first of these proceedings, Docket 84-38, *Ariel Maritime Group, Inc., et al.* ("Docket No. 84-38"), the Commission found violations of section 16, Initial Paragraph, and section 18(b)(3) of the Shipping Act, 1916 ("1916 Act"), 46 U.S.C. 815, Initial Paragraph and 817(b)(3) (1982) committed by and through the corporations established and operated by Merritt.¹ The

¹ The sections of the 1916 Act dealing with foreign commerce were repealed and replaced by corresponding sections of the Shipping Act of 1984, which prohibited the same acts. Compare the Shipping Act, 1916, section 16, initial paragraph and section 18(b)(3) with, respectively, the 1984 Act, section 10(a)(1) and section 10(b)(1), 46 U.S.C. app. 1709(a)(2) and section 1709(b)(1) (Supp. III, 1985). The 1984 Act, effective June 18, 1984, superseded those provisions of the 1916 Act relating to foreign commerce. 1984 Act, Pub. L. No. 78-237, section 20, 98 Stat. 67, 88.

In Docket No. 89-27 the Commission charged Merritt and the corporations with violations of sections of the 1984 Act which prohibit the same acts, *i.e.*, sections 10(a)(1) and 10(b)(1), 46 U.S.C. app. 1709(a)(1) and 1709(b)(1) (Supp. III, 1985), as were charged and found under the 1916 Act in

Commission further determined that Merritt was the moving force in this pattern of violations and that he directed and controlled the corporate respondents in conducting and attempting to conceal the unlawful activities. The Commission pierced the corporate veil, finding the corporations to be alter egos of Merritt, or shams created to avoid liability for unlawful acts. *Ariel Maritime Group, Inc., et al., Order Adopting In Part, Reversing In Part, and Supplementing the Initial Decision*, _____ F.M.C. _____, 24 S.R.R. 517 (1987) ("1987 Order"). The Commission directed Merritt and the corporate respondents to cease and desist from violations of the 1984 Act and assessed civil penalties totalling \$335,000 against Merritt and the corporate respondents, jointly and severally.²

Discussion

Although the court on review of the Commission's decision in Docket No. 89-27 vacated the penalty imposed on Merritt individually, it left standing the findings of violations made by the ALJ in his Initial Decision and adopted by the Commission, both as to Merritt and the corporation.³ The Commission's findings of violations by Merritt and the corporations, and its imposition of civil penalties on the corporations, were neither appealed nor disturbed on appeal. Thus, the sole issues for determination in this proceeding on remand is the amount of civil penalty against Merritt and Merritt's ability to pay the penalty.

This Commission continues to be of the opinion that civil penalties in an amount suitable to penalize Merritt individually, as well as the corporations created and controlled by him and his associate, are appropriate. Such monetary penalties appear to be the only means within the power of this agency of effectively sanctioning the past violations found in this proceeding and deterring future violations by Merritt and his enterprises. This

Docket No. 84-38, sections 16, initial paragraph, and 18(b)(3), 46 (815, initial paragraph and 817(b)(3) (1982).

² None of these penalties has been paid, despite entry of an order in 1990 by the U.S. District Court for the Southern District of New York enforcing the Commission's 1987 Order. *United States and Federal Maritime Commission v. Martyn C. Merritt, et al.*, No. 88 Civ. 6253 (TPC). Review of the district court's order has recently been sought in the U.S. Court of Appeals for the Second Circuit. No. 92-6123.

³ The Commission's findings with respect to Merritt's control over the corporations, and their status as alter egos for Merritt, also were unaffected on appeal.

proceeding is therefore re-opened and remanded to presiding Chief Administrative Law Judge Norman D. Kline for further hearings limited to the issues discussed above.

In determining the amount of penalties to be imposed, it is expected that the ALJ will give due regard to the gravity and extent of the violations, Merritt's history of prior offenses and individual culpability, as established in the record below, and the Congressional purpose to deter violations by imposing greater civil penalties in the 1984 Act.⁴ Any evidence adduced by Merritt should be examined with care in light of Merritt's past business activities and use of corporate assets.

As the Commission noted in the course of the proceeding below, the history of the two proceedings against Merritt before this agency indicates that Merritt has been less than truthful with respect to issues relating not only to his personal involvement in and liability for the violations found, but also as to his ownership and control of the corporations and their assets through which these activities were carried out. See, e.g., 1987 Order, 24 S.R.R. at 522-24, 527, 528-31.⁵ Merritt's control of these

corporations and of their financial dealings, including the corporations' common banking arrangements, was documented in Docket No. 84-38. For example, of the officers and directors of the companies, only Merritt had authority to sign checks and make withdrawals or undertake financial obligations on his sole signature. See 1987 Order, 24 S.R.R. at 522-23.

On remand the ALJ may also give such consideration and weight as he determines to be appropriate to findings of the U.S. District Court for the Southern District of New York in a recent criminal proceeding against Merritt. In the spring of 1991, Merritt was indicted for, and pleaded guilty to, a conspiracy to defraud the U.S. Government, specifically the Agency for International Development, of more than \$1 million in connection with a shipment of powdered milk for famine relief in the Sudan. In the course of that proceeding, the district court had occasion to examine information concerning Merritt's past practices, corporate creations, and concealment of assets, including the proceeds of sale of his home.⁶ In sentencing Merritt to five

years imprisonment, fines and restitution of the proceeds of the fraud, the court made certain findings of fact and conclusions of law. In addition to finding that Merritt had engaged in obstruction of justice prior to indictment, the court concluded that Merritt had attempted to retain the proceeds of his fraud by secreting at least \$670,000 in * * *

* * * accounts controlled by Mrs. Merritt who was her husband's business associate. The paper trail ends with a \$670,000 deposit in Bank Worms on the Island of Jersey. * * * (T)he Island of Jersey is also the location of Broadview, which defendant and his wife controlled.

Findings of Fact and Conclusions of Law, at 7, *U.S.A. v. Martyn Merritt*, _____ F. Supp. _____ (S.D.N.Y., October 8, 1991), 1991 WL 335611 (S.D.N.Y.). More specifically, the court found "that Mr. Merritt continues to have control over \$670,000 of the proceeds, which he is attempting to hide * * *." With respect to Merritt's receipt of the proceeds from the sale of the house, the court stated that:

In view of the overwhelming evidence presented by the Government that Broadview was in fact a corporation controlled by the Merritts, the Court finds that Mr. Merritt deliberately attempted to mislead the Probation Department concerning Broadview and provided false and fraudulent information to the Probation Department concerning his financial condition by not reflecting the proceeds that Broadview received from the sale of the house.

Id., at 9. It may be proper to give preclusive effect to these findings with respect to assets under the control of Martin Merritt and his "business associate" in the enterprises subject to the Commission's order under the doctrine of collateral estoppel. *Parkkune Hosiery Co. v. Shore*, 439 U.S. 322 (1979); *Commissioner v. Sunnen*, 333 U.S. 591, 601-602 (1948); *Yates v. United States*, 354 U.S. 298 (1957).

Finally, in considering evidence of Merritt's ability to pay whatever penalties appear appropriate, the ALJ shall also give due regard to the contract law doctrine, relating to damages, that one need not undertake futile acts to prove their inefficacy. This doctrine has been applied to the obligations of common carriers, *Atlantic Coast R. Co. v. Geraty*, 166 F. 10, 16 (4th Cir. 1908), and to FMC consideration of arbitration clauses in agreements, *A/S Ivarans Rederi v. U.S.*, 936 F. 2d 1365, 1368 (D.C. Cir. 1991) (FMC correct in not deferring to arbitration in determining disputed

⁴ The legislative history of the 1984 Act indicates that Congress meant to enhance the deterrent effect of penalties for activities prohibited under section 10:

Experience with the penalties imposed by the 1916 Shipping Act led the Committee to conclude that they provided no apparent deterrent to the commission of prohibited acts. Civil penalties of the type and amount available under the current law could be absorbed as part of the cost of doing business * * *. The Committee included in H.R. 1878 sanctions and penalties designed to deter the commission of prohibited acts. (Italics supplied).

H.R. Rep. No. 53, (Part 1), 98th Cong., 1st Sess. 19 (1983), 1984 U.S. Code Cong. and Admin. News 187, 184.

⁵ For example, through documents and Merritt's testimony in the first hearing held in Docket No. 84-38, it was represented that the President of Ariel Maritime Group, Inc. was "J.A. Mott." It was shown in the second hearing, however, that "J.A." should have been "J.E." and that "J.E. Mott" was the brother-in-law of Martyn Merritt's wife, Mary Anne Merritt, and had no connection with any of Merritt's companies or the shipping business. Mrs. Merritt's name also appeared as an officer or director on numerous company documents presented in the course of the proceedings, both as Mary Anne Merritt and as Mary Anne Pawlowski, her maiden name. In addition, many of the documents relating to the companies reflected the names of Florence Pawlowski and Florence Wlezen, respectively the married and maiden names of Mary Anne Merritt's mother, who also denied having participated in operation of the companies or the shipping business at any time.

Mrs. Merritt (Mary Ann Pawlowski) and Mrs. Pawlowski (Florence Wlezen) were, nevertheless, listed as the Directors of Charles Klaus & Company, the corporation of which Javelin, Oasis, Trans Africa, Buccaneer and Union were all said to be divisions. Among the evidence relied on by the Commission in Docket No. 84-38 was the testimony of Merritt's former partner, Peter K. Shauer, that Charles Klaus & Company was a company created

by them in Hong Kong, and the letter, signed by Merritt, directing the accounting firm in Hong Kong as to the recording and distribution of shares to be made in incorporating Charles Klaus & Company. See, 1987 Order, *supra*, 24 S.R.R. at 522-523.

All of the carriers were represented by Ariel Maritime Group, Inc. as agent, Ariel Maritime Group, Inc. is the former name of AMG Services, Inc. Merritt testified in Docket No. 84-38 that ASA Development, identified as an English company, was the majority owner of Ariel Maritime Group, Inc. He said that he was unable to enlighten the Commission, however, as to the owners of ASA Development. Nevertheless, in Docket No. 89-27 it was shown that ASA Development Company, created by chartered accountants in the Jersey Islands in 1983, had changed its name to Sterling Maritime, Ltd. on March 5, 1985, six weeks prior to Merritt's testimony in Docket No. 84-38 concerning ownership of Ariel. Sterling Maritime Ltd.'s address is that of the firm of chartered accountants whose partners were shown as incorporators. See 1991 Order, 25 S.R.R. at 1490.

⁶ In the district court action to enforce the 1987 Order, Merritt represented that he could not afford to pay the civil penalties. Among the indicia of his inability to pay Merritt cited the fact that he and his wife "live in a modest house in Westchester which we do not own." Affidavit of Martyn C. Merritt In Support of Motion To Dismiss The Complaint, November 9, 1988, at 6. The residence in question was the house occupied by Merritt from 1980 until its sale in 1990, at 87 Broadview Avenue, New Rochelle, New York. However, as the Government showed in its response to the motion, the house was purchased by Martyn and Mary Merritt in December 1980 for \$155,000 and transferred to the Broadview Development Company, Ltd. in February, 1982 for \$150,000. Further evidence adduced in the criminal fraud case showed that the house sold in 1990 for \$520,000. Broadview Development Company, Ltd. is a company registered in the Jersey Islands of Great Britain. The annual reports filed with the Registrar of Companies are signed by Florence Pawlowski, Merritt's mother-in-law, on behalf of the company. The incorporators

are the same chartered accountants reflected on the records of the ASA Development Company/Sterling Maritime, Ltd.

meaning of an agreement "when arbitration would be a waste of time"). See also *Port Authority of New York and New Jersey v. New York Shipping Association*, 22 S.R.R. 1329, 1343-44 (I.D.), *aff'd*, 23 S.R.R. 21 (1985).

Therefore, it is ordered, That the proceeding in *Martyn Merritt, AMG Services, Inc. d/b/a Ariel Maritime Group and Ariel Maritime, Oasis Express Line, Javelin Line, Trans Africa Line, Coast Container Line, Buccaneer Line, and Union Exportadora Lines—Possible Violations of Sections 10(a)(1) and 10(b)(1) of the Shipping Act of 1984*, Docket No. 89-27, is re-opened and remanded to the Chief Administrative Law Judge for the limited purpose of determining the amount of penalty to be assessed against Martyn Merritt individually and jointly and severally with the corporations, and Martyn Merritt's ability to pay such penalties:

It is further ordered, That such hearing as the Chief Administrative Law Judge determines to be necessary be held in this proceeding, at a date and place to be determined hereafter by the Chief Administrative Law Judge in compliance with rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Chief Administrative Law Judge only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record:

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served on parties of record;

It is further ordered, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Chief Administrative Law Judge shall be issued by August 31, 1993, and the final decision of the Commission shall be issued by December 31, 1993.

By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 92-23884 Filed 10-1-92; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Elmer Lamar Anderson, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 16, 1992.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Elmer Lamar Anderson*, Swainsboro, Georgia; to acquire an additional 1.36 percent of the voting shares of Swainsboro Bankshares, Inc., Swainsboro, Georgia, for a total of 10.85 percent, and thereby indirectly acquire The Citizens Bank of Swainsboro, Swainsboro, Georgia.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *John G. Schmid*, Carson, North Dakota; to acquire an additional 9.34 percent of the voting shares of Grant County Bancorporation, Inc., Carson, North Dakota, for a total of 33.20 percent, and thereby indirectly acquire Grant County State Bank, Carson, North Dakota.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *Rosa Leong*, Los Angeles, California; to acquire an additional 73.15 percent of the voting shares of Wilshire Center Bancorp, Los Angeles, California, for a total of 98.05 percent, and thereby indirectly acquire Wilshire Center Bank, N.A., Los Angeles, California.

Board of Governors of the Federal Reserve System, September 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-23928 Filed 10-1-92; 8:45 am]

BILLING CODE 6210-01-F

First Commerce Bancorp, 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 October 26, 1992.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Commerce Bancorp, Inc.*, Commerce, Georgia; to engage *de novo* through its subsidiary, Bankline

Systems, Inc., Commerce, Georgia, in data processing and transmission services pursuant to § 225.25(b)(7) of the Board's Regulation Y.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. National Commerce Bancorporation, Memphis, Tennessee; to engage *de novo* through its subsidiary, National Commerce Finance Company, Germantown, Tennessee, in making, acquiring, or servicing consumer loans as a nondepository lender pursuant to § 225.25(b)(1); acting as principal, agent, or broker with respect to the sale of credit life, disability, and involuntary unemployment insurance, directly related to extensions of credit by National Commerce Finance Company, and limited to ensuring the repayment of the outstanding balance due on said extensions of credit pursuant to § 225.25(b)(8)(i)(A) & (B); and acting as agent or broker with respect to the sale of property hazard and casualty insurance, directly related to extensions of credit by National Commerce Finance Company, and limited to ensuring the repayment of the outstanding balance on such extensions of credit in the event of loss or damage to any property used as collateral, and said extensions will not exceed \$10,000 or \$25,000 if it is to finance the purchase of a residential manufactured home and the credit is secured by said home pursuant to § 225.25(b)(8)(ii)(A) & (B) of the Board's Regulation Y. These activities will be conducted throughout the State of Tennessee and those states which are contiguous to the State of Tennessee.

Board of Governors of the Federal Reserve System, September 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-23929 Filed 10-1-92; 8:45 am]

BILLING CODE 6210-01-F

Norwest Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) 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, or to engage in such an activity. Unless otherwise noted, these 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 October 26, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to merge with Lincoln Financial Corporation, Fort Wayne, Indiana, and thereby indirectly acquire Angola State Bank, Angola, Indiana; Farmers and Merchants Bank, Bluffton, Indiana; First Bank, Rochester, Indiana; The First National Bank in Wabash, Wabash, Indiana; The First State Bank of Decatur, Decatur, Indiana; Harbor Country Banking Company, Three Oaks, Michigan; Lincoln National Bank and Trust Company of Fort Wayne, Fort Wayne, Indiana; The Peoples Bank and Trust Company, Van Wert, Ohio; The Peru Trust Company, Peru, Indiana; First Bank, Rushville, Indiana; Shipshewana State Bank, Shipshewana, Indiana; and State and Savings Bank, Monticello, Indiana.

In connection with this application, Applicant also proposes to acquire Shipshewana Insurance Agency, LaGrange, Indiana, and thereby engage in general insurance agency activities in LaGrange, Indiana, pursuant to § 225.25(b)(8)(vii); Midwest Credit Life Insurance Company, Fort Wayne, Indiana, and thereby engage in underwriting, as insurer and reinsurer, credit life, accident and health insurance pursuant to § 225.25(b)(8)(vii); Norwest Mortgage, Inc., Minneapolis, Minnesota, and thereby engage in consolidating the mortgage banking business of the banking subsidiaries of Lincoln Financial Corporation in existing Norwest Corporation subsidiaries pursuant to § 225.25(b)(1); and acquire through Norwest Investment Services, Inc., Minneapolis, Minnesota, the discount brokerage business of Lincoln National Bank and Trust Company of Fort Wayne pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-23930 Filed 10-1-92; 8:45 am]

BILLING CODE 6210-01-F

Random Lake Bancorp, Limited, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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 to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications

must be received not later than October 26, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Random Lake Bancorp, Limited*, Random Lake, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of State Bank of Random Lake, Random Lake, Wisconsin.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Liberty National Bancorp, Inc.*, Louisville, Kentucky, and its wholly-owned subsidiary, LNB Acquisition Corp., Louisville, Kentucky; to acquire 100 percent of the voting shares of Financial Dominion of Kentucky Corporation, Radcliff, Kentucky, and thereby indirectly acquire Hardin County Bank and Trust, Inc., Radcliff, Kentucky, and Farmers Deposit Bank of Brandenburg, Brandenburg, Kentucky. In connection with this application, LNB Acquisition Corp. has applied to become a bank holding company.

3. *Trans Financial Bancorp, Inc.*, Bowling Green, Kentucky; to merge with Dawson Springs Bancorp, Inc., Maysville, Kentucky, and thereby indirectly acquire Commercial Bank of Dawson, Dawson Springs, Kentucky, and Kentucky State Bank of Scottsville, Scottsville, Kentucky.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Phillips Holdings, Inc.*, Stuttgart, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank, Stuttgart, Kansas.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *American Capital Corporation*, Katy, Texas; to acquire 90.1 percent of the voting shares of Gulf Coast Bancshares, Inc., Alvin, Texas, and thereby indirectly acquire First National Bank of Alvin, Alvin, Texas.

Board of Governors of the Federal Reserve System, September 28, 1992.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 92-23927 Filed 10-1-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies and Laboratories That Have Withdrawn From the Program

AGENCY: National Institute on Drug Abuse, ADAMHA, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be identified as such at the end of the current list of certified laboratories, and will be omitted from the monthly listing thereafter.

FOR FURTHER INFORMATION CONTACT: Denise L. Goss, Program Assistant, Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857; tel.: (301) 443-6014.

SUPPLEMENTARY INFORMATION: Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of NIDA certification are

not to be considered as meeting the minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

AccuTox Analytical Laboratories, 427 Fifth Avenue, N.W., P.O. Box 770, Attalla, AL 35954-0770, 205-538-0012/800-247-3893.
Aegis Analytical Laboratories, Inc., 624 Grassmere Park Road, Suite 21, Nashville, TN 37211, 615-331-5300.
Alabama Reference Laboratories, Inc., 543 South Hull Street, Montgomery, AL 36103, 800-541-4931/205-263-5745.
Allied Clinical Laboratories, 201 Plaza Boulevard, Hurst, TX 76053, 817-282-2257.
American Medical Laboratories, Inc., 14225 Newbrook Drive, Chantilly, VA 22021, 703-802-6900.
Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, Suite 250, Las Vegas, NV 89119-5412, 702-733-7866.
Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801-583-2787.
Baptist Medical Center—Toxicology Laboratory, 9601 I-630, Exit 7, Little Rock, AR 72205-7299, 501-227-2783 (formerly: Forensic Toxicology Laboratory Baptist Medical Center).
Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414-355-4444/800-877-7016.
Bellin Hospital—Toxicology Laboratory, 215 N. Webster Ave., Green Bay, WI 54301, 414-433-7485.
Bioran Medical Laboratory, 415 Massachusetts Avenue, Cambridge, MA 02139, 617-547-8900.
California Toxicology Services, 1925 East Dakota Avenue, Suite 206, Fresno, CA 93726, 209-221-5655/800-448-7600.
Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305-325-5810.
Centinela Hospital Airport Toxicology Laboratory, 9601 S. Sepulveda Blvd., Los Angeles, CA 90045, 310-215-6020.
Clinical Pathology Facility, Inc., 711 Bingham Street, Pittsburgh, PA 15203, 412-488-7500.
Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800-445-6917.
CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory, 3308 Chapel Hill/Nelson Hwy. Research Triangle Park, NC 27709, 919-549-8263/800-833-3984.
CompuChem Laboratories, Special Division, 3308 Chapel Hill/Nelson Hwy., Research Triangle Park, NC 27709, 919-549-8263.
Cox Medical Centers, Department of Toxicology, 1423 North Jefferson Avenue, Springfield, MO 65802, 800-876-3652/417-836-3093.
Damon Clinical Laboratories, 140 East Ryan Road, Oak Creek, WI 53154, 800-638-1100 (name changed: formerly Chem-Bio Corporation; CBC Clinilab).

- Damon Clinical Laboratories, 8300 Esters Blvd., Suite 900, Irving, TX 75063, 214-929-0535.
- Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904-787-9006.
- Drug Labs of Texas, 15201 I-10 East, Suite 125, Channelview, TX 77530, 713-457-3784.
- DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310.
- Eagle Forensic Laboratory, Inc., 950 North Federal Highway, Suite 308, Pompano Beach, FL 33062, 305-946-4324.
- Eastern Laboratories, Ltd., 95 Seaview Boulevard, Port Washington, NY 11050, 516-625-9800.
- ElSohly Laboratories, Inc., 1215-1/2 Jackson Ave., Oxford, MS 38655, 601-236-2609.
- Employee Health Assurance Group, 405 Alderson Street, Schofield, WI 54476, 800-627-8200 (name change: formerly Alpha Medical Laboratory, Inc.).
- General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608-267-6267.
- Harris Medical Laboratory, 7606 Pebble Drive, Fort Worth, TX 76118, 817-595-0294.
- Harrison & Associates Forensic Laboratories, 606 N. Weatherford, P.O. Box 2788, Midland, TX 79702, 800-725-3784/915-687-6877.
- HealthCare/Preferred Laboratories, 24451 Telegraph Road, Southfield, MI 48034, 800-328-4142 (inside MI)/800-225-9414 (outside MI).
- Hermann Hospital Toxicology Laboratory, Hermann Professional Building, 6410 Fannin, Suite 354, Houston, TX 77030, 713-793-6080.
- IHC Laboratory Services Forensic Toxicology, 930 North 500 West, Suite E, Provo, UT 84604, 800-967-9766.
- Jewish Hospital of Cincinnati, Inc., 3200 Burnet Avenue, Cincinnati, Ohio 45229, 513-569-2051.
- Laboratory of Pathology of Seattle, Inc., 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206-386-2872.
- Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504-392-7961.
- Marshfield Laboratories, 1000 North Oak Avenue, Marshfield, WI 54449, 715-389-3734.
- Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 507-284-3631.
- Med-Chek Laboratories, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, 412-931-7200.
- MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901-795-1515.
- MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 9176 Independence Avenue, Chatsworth, CA 91311, 818-718-0115/800-331-8670 (outside CA)/800-464-7081 (inside CA) (name change: formerly Laboratory Specialists, Inc.; Abused Drug Laboratories).
- MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 2356 North Lincoln Avenue, Chicago, IL 60614, 312-880-8900 (name change: formerly Bio-Analytical Technologies).
- MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 800-832-3244/612-636-7466.
- Methodist Hospital of Indiana, Inc., Department of Pathology and Laboratory Medicine, 1701 N. Senate Boulevard, Indianapolis, IN 46202, 317-929-3587.
- Methodist Medical Center Toxicology Laboratory, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 800-752-1835/309-671-5199.
- MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708-595-3888.
- MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201-393-5000.
- MetWest-BPL Toxicology Laboratory, 18700 Oxnard Street, Tarzana, CA 91356, 800-492-0800/818-343-8191.
- National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 410-536-1485 (name change: formerly Maryland Medical Laboratory, Inc.).
- National Drug Assessment Corporation, 5419 South Western, Oklahoma City, OK 73109, 800-749-3784 (name change: formerly Med Arts Lab).
- National Health Laboratories Incorporated, 2540 Empire Drive, Winston-Salem, NC 27103-6710, 919-760-4620/800-334-8627 (outside NC)/800-642-0894 (inside NC).
- National Health Laboratories Incorporated, 75 Rod Smith Place, Cranford, NJ 07016-2843, 908-272-2511.
- National Health Laboratories Incorporated, d.b.a. National Reference Laboratory, Substance Abuse Division, 1400 Donelson Pike, Suite A-15, Nashville, TN 37217, 615-360-3992/800-800-4522.
- National Health Laboratories Incorporated, 13900 Park Center Road, Herndon, VA 22071, 703-742-3100/800-572-3734 (inside VA)/800-336-0391 (outside VA).
- National Psychopharmacology Laboratory, Inc., 9320 Park W. Boulevard, Knoxville, TN 37923, 800-251-9492.
- National Toxicology Laboratories, Inc., 1100 California Avenue, Bakersfield, CA 93304, 805-322-4250.
- Nichols Institute Substance Abuse Testing (NISAT), 8985 Balboa Avenue, San Diego, CA 92123, 800-446-4728/619-694-5050, (name change: formerly Nichols Institute).
- Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800-322-3361.
- Occupational Toxicology Laboratories, Inc., 2002 20th Street, Suite 204A, Kenner, LA 70062, 504-465-0751.
- Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Avenue, Eugene, OR 97440-0972, 503-687-2134.
- Parke DeWatt Laboratories, Division of Comprehensive Medical Systems, Inc., 1810 Frontage Rd., Northbrook, IL 60062, 708-480-4680.
- Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509-926-2400.
- PDLA, Inc. (Precision), 5 Industrial Park Drive, Oxford, MS 38655, 601-236-5600/800-237-7352.
- PDLA, Inc. (Princeton), 100 Corporate Court, So. Plainfield, NJ 07080, 908-769-8500/800-237-7352.
- PharmChem Laboratories, Inc., 1505-A O'Brien Drive, Menlo Park, CA 94025, 415-328-6200/800-446-5177.
- Physicians Reference Laboratory Toxicology Laboratory, 7800 West 110th Street, Overland Park, KS 66210, 913-338-4070.
- Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619-279-2600.
- Precision Analytical Laboratories, Inc., 13300 Blanco Road, Suite #150, San Antonio, TX 78216, 512-493-3211.
- Puckett Laboratory, 4200 Mamie Street, Hattiesburgh, MS 39402, 601-264-3856/800-844-8378.
- Regional Toxicology Services, 15305 N.E. 40th Street, Redmond, WA 98052, 206-882-3400.
- Resource One, Inc., Seven Pointe Circle, Greenville, SC 29615, 803-233-5639.
- Roche Biomedical Laboratories, 1801 First Avenue South, Birmingham, AL 35233, 205-581-4170.
- Roche Biomedical Laboratories, 1957 Lakeside Parkway, Suite 542, Tucker, GA 30084, 404-939-4811.
- Roche Biomedical Laboratories, Inc., 1120 Stalene Road, Southaven, MS 38671, 601-342-1286.
- Roche Biomedical Laboratories, Inc., 69 First Avenue, Raritan, NJ 08869, 800-437-4986.
- Scott & White Drug Testing Laboratory, 600 S. 25th Street, Temple, TX 76504, 800-749-3788.
- S.E.D. Medical Laboratories, 500 Walter NE, Suite 500, Albuquerque, NM 87102, 505-848-8800.
- Sierra Nevada Laboratories, Inc., 888 Willow Street, Reno, NV 89502, 800-648-5472.
- SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91045, 818-376-2520.
- SmithKline Beecham Clinical Laboratories, 3175 Presidential Drive, Atlanta, GA 30340, 404-934-9205 (name change: formerly SmithKline Bio-Science Laboratories).
- SmithKline Beecham Clinical Laboratories, 506 E. State Parkway, Schaumburg, IL 60173, 708-885-2010 (name change: formerly International Toxicology Laboratories).
- SmithKline Beecham Clinical Laboratories, 11636 Administration Drive, St. Louis, MO 63146, 314-567-3905.
- SmithKline Beecham Clinical Laboratories, 400 Egypt Road, Norristown, PA 19403, 800-523-5447 (name change: formerly SmithKline Bio-Science Laboratories).
- SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214-638-1301 (name change: formerly SmithKline Bio-Science Laboratories).
- South Bend Medical Foundation, Inc., 530 N. Lafayette Boulevard, South Bend, IN 46601, 219-234-4176.
- Southgate Medical Services, Inc., 21100 Southgate Park Boulevard, Cleveland, OH 44137-3054, 800-338-0166 (outside OH)/800-362-8913 (inside OH) (name change: formerly Southgate Medical Laboratory).
- St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 N. Lee Street, Oklahoma City, OK 73102, 405-272-7052.
- St. Louis University Forensic Toxicology Laboratory, 1205 Carr Lane, St. Louis, MO 63104, 314-577-8628.
- Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 314-882-1273.

Toxicology Testing Service, Inc., 5426 N.W., 79th Avenue, Miami, FL 33166, 305-593-2260.

The following laboratories voluntarily withdrew from the National Laboratory Certification Program:

None.

Richard A. Millstein,

Acting Director, National Institute on Drug Abuse.

[FR Doc. 92-23980 Filed 10-1-92; 8:45 am]

BILLING CODE 4160-20-M

Health Resources and Services Administration

Advisory Council; Meeting Correction

In Federal Register Document 92-23113 appearing at page 44194 in the issue for Thursday, September 24, 1992, the October 27-29, 1992, meeting of the "Council on Graduate Medical Education" has been changed. The meeting will be on October 28-29, 1992. All other information is correct as it appears.

Dated: September 29, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-23931 Filed 10-1-92; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, September 18, 1992. (Call PHS Reports Clearance Officer on 202-690-7100 for copies of requests)

1. National Donor Research and Education Study—New—This is a mail survey of a random sample of 180,000 blood donors from 5 blood centers participating in the NHLBI "Retrovirus Epidemiology Donor Study" Program. Data will be used to monitor the safety of the U.S. blood supply and facilitate the development, evaluation, and refinement of donor education and recruitment strategies. Respondents: Individuals or households; Number of Respondents: 72,000; Number of Responses Per Respondent: 1; Average Burden Per Response: .3333 hours; Estimated Annual Burden: 24,000 hours.

2. The Feasibility Study for the Household Component of the National Medical Expenditure Survey (NMES): Rounds 2 and 3—New—Rounds 2 and 3 of this methodological study will continue to test methods for enhancing the quality of data on medical care and expenditures, for improving the efficiency of data collection and for assessing the willingness of potential respondents to participate. Respondents: Individuals or households; Number of Respondents: 825; Number of Responses Per Respondent: 2; Average Burden Per Response: 1.37 hours; Estimated Annual Burden: 2,264 hours.

Desk Officer: Shannah Koss.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: September 28, 1992.

Melanie Timberlake,

Acting Director, Office of Health Planning and Evaluation.

[FR Doc. 92-23901 Filed 10-1-92; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant-Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-98]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991); and section 501 of the Stewart B.

McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a

Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332-2300; (703) 325-0474; GSA: Ronald Rice, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501-0067; (These are not toll-free numbers).

Correction: Property Number 619140004, Yunker House, Redwood National Park, Hiouchi, California was inadvertently published as suitable/available. The property is no longer available for homeless assistance use.

Dated: September 25, 1992.

Randall H. Erben,

Acting Assistant Secretary.

Title V, Federal Surplus Property Program Federal Register Report for 10/02/92

Unsuitable Properties

Buildings (by State)

California

5 bungalows
125 South Grand Avenue
Pasadena Co: Los Angeles CA 91105-
Landholding Agency: GSA
Property Number: 549230012
Status: Excess
Reason: Other
Comment: Extensive deterioration

Hawaii

Bldg. 126, Naval Magazine
Waikale Branch
Lualualei Co: Oahu HI 96792

Landholding Agency: Navy
Property Number: 779230012
Status: Unutilized
Reason: Secured Area; within 2000 ft. of flammable or explosive material; other
Comment: Extensive Deterioration

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792-

Landholding Agency: Navy
Property Number: 779230013
Status: Unutilized
Reason: Secured Area; other
Comment: Extensive Deterioration

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792-
Landholding Agency: Navy
Property Number: 779230014
Status: Unutilized
Reason: Secured Area; other
Comment: Extensive Deterioration

South Dakota

Booster Station
Tract #1, Mapleton Township

Co: Minnehaha SD 57101-
Landholding Agency: GSA
Property Number: 549230006
Status: Excess
Reason: Other
Comment: Extensive Deterioration
GSA Number: 7-I-SD-480-A

Land (by State)

Oregon

Tract 108 (Portion of)
Willow Creek Lake Project
Heppner Co: Morrow OR 97836-
Location: Located up hill from the left abutment of the dam structure.

Landholding Agency: GSA
Property Number: 319011687
Status: Excess
Reason: Other
Comment: Inaccessible
GSA Number: 9-D-OR-708

{FR Doc. 92-23751 Filed 10-1-92; 8:45 am}

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

{AZ-020-2-4212-12; AZA 27245}

Arizona; Exchange of Public Lands

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Exchange of Public Lands in Maricopa, Navajo and Apache Counties, Arizona.

BLM proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership.

The following described public lands and minerals are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy

and Management Act of 1976, 43 U.S.C 1716:

Gila and Salt River Meridian, Arizona

T. 5 N., R. 2 E.,
Sec. 31, lots 3 and 4. (Mineral estate only)

T. 8 N., R. 28 E.,
Sec. 17, W 1/2 SW 1/4;
Sec. 18, SE 1/4 SE 1/4.

T. 8 N., R. 29 E.,
Sec. 10, SE 1/4 SW 1/4.

T. 12 N., R. 20 E.,
Sec. 6, lots 1 to 3 incl.

T. 13 N., R. 18 E.,
Sec. 12, E 1/2 E 1/2.

T. 13 N., R. 23 E.,
Sec. 22, NW 1/4 SE 1/4, SE 1/4 SE 1/4.

T. 14 N., R. 17 E.,
Sec. 8, SE 1/4;
Sec. 22, NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, S 1/2 S 1/2;
Sec. 24, NE 1/4.

T. 14 N., R. 19 E.,
Sec. 4, lots 1 to 4 incl., S 1/2 N 1/2, S 1/2;

Sec. 10, NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4;
Sec. 12, N 1/2;

Sec. 28, SE 1/4 SE 1/4.

T. 15 N., R. 16 E.,
Sec. 6, lots 1 to 4 incl., lot 8.

Sec. 14, NE 1/4.

T. 15 N., R. 19 E.,
Sec. 12, lots 1 to 3 incl., N 1/2, SW 1/4;

Sec. 14, NE 1/4.

T. 16 N., R. 16 E.,

Sec. 28, all.

T. 16 N., R. 17 E.,
Sec. 6, lots 4 and 5.

T. 17 N., R. 15 E.,

Sec. 22, W 1/2 NW 1/4, NW 1/4 SW 1/4.

T. 17 N., R. 16 E.,

Sec. 24, lots 1 to 4, incl., W 1/2 E 1/2, W 1/2.

T. 17 N., R. 18 E.,

Sec. 4, lots 1 to 4, incl., S 1/2 N 1/2, S 1/2.

T. 18 N., R. 16 E.,

Sec. 4, lot 1, SE 1/4 NE 1/4, E 1/2 SE 1/4.

T. 18 N., R. 24 E.,

Sec. 31, lots 3 and 4, E 1/2 SW 1/4.

Containing 5,811.13 acres, more or less.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the public lands, as described in this Notice, from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

This 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, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: September 25, 1992.

David J. Miller,

Associate District Manager.

[FR Doc. 92-23883 Filed 10-1-92; 8:45 am]

BILLING CODE 4310-32-M

[CO-930-4214-10; COC-54072]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw approximately 2,360.78 acres of National Forest System land for 40 years. This withdrawal would protect existing recreational facilities and high resource values at the Purgatory Ski Area near Durango, Colorado. This notice closes this land to location and entry under the mining laws of up to two years. The land remains open to mineral leasing and such forms of disposition as may by law be made of National Forest System land.

DATES: Comments on this proposed withdrawal or requests for public meeting must be received on or before December 31, 1992.

ADDRESSES: Comments and requests for a meeting should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215-7076.

FOR FURTHER INFORMATION CONTACT: Bob Barbour, 303-239-3708.

SUPPLEMENTARY INFORMATION: On August 24, 1992, the Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws (30 U.S.C. ch 2):

New Mexico Principal Meridan

San Juan National Forest

T. 39 N., R. 9 W.,

Sec. 22, lots 1, 2, 3, 4, S½NW¼ and S½;

Sec. 23, lots 1 through 16, inclusive;

Sec. 24, W½E½NE¼NW¼, W½E½NW¼, and W½NW¼;

Sec. 25, lot 10;

A parcel described by metes and bounds within section 24, beginning at corner No. 1, being the southwest corner of section 24,

T. 39 N., R. 9 W.,

From Corner No. 2, by metes and bounds, S. 89°25' E., 661.98 ft;

N. 1°03'05" W., 65.84 ft;

N. 89°24'28" W., 661.86 ft;

S. 1°00'37" E., 65.84 ft. to corner No. 1, the place of beginning.

A parcel described by metes and bounds within sections 21, 26, 27 and 28: Beginning at

corner No. 1, being the ¼-corner of sections 21 and 22,

T. 39 N., R. 9 W.

From Corner No. 1, by metes and bounds.

S.88°50'23" W., 2481.30 ft., on the E-W centerline of section 21;

S. 0°07' W., 1282.19 ft.;

S. 32°10' E., 3131.00 ft.;

S. 68°17' E., 2585.31 ft.;

N. 80°12' E., 2343.21 ft.;

S. 82°04' E., 1723.00 ft.;

S. 60°04' E., 1939.00 ft.;

S. 82°45' E., 2070.00 ft.;

N. 41°04' E., 3350.00 ft.;

N. 0°53' W., 1903.12 ft., to the northeast

corner of section 26;

S. 84°27' W. 5782.26 ft., to the northwest

corner of section 26;

S. 85°33' W. 5767.74 ft., to the northwest

corner of section 27;

N. 0°05' W. 2583.90 ft., to corner No. 1, the place of beginning.

The area described contains approximately 2,360.78 acres in La Plata County.

The purpose of this withdrawal is to protect existing recreational facilities and high resource values at the Purgatory Ski Resort.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with this proposal, or to request a public meeting, may present their views in writing to the Colorado State Director. If the authorized officer determines that a meeting should be held, the meeting will be scheduled and conducted in accordance with the Bureau of Land Management Manual, section 2351.16B.

This application will be processed in accordance with the regulations set forth in 43 CFR part 2310.

For a period of two years from the date of publication of this notice in the *Federal Register*, the land will be segregated from the mining laws as specified above; unless the application is denied, or cancelled, or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage this land.

Dated: September 24, 1992.

Robert S. Schmidt,

Chief, Branch of Realty Programs.

[FR Doc. 92-23882 Filed 10-1-92; 8:45 am]

BILLING CODE 4310-JB-M

Bureau of Reclamation

Central Valley Project, California; Scoping Meetings

AGENCY: Bureau of Reclamation (Interior).

ACTION: Notice of scoping meetings.

SUMMARY: On May 12, 1992, the Bureau of Reclamation announced in the

Federal Register (57 FR 20288) its intent to prepare a draft environmental impact statement (EIS) on interim regulations to implement the Reclamation Reform Act of 1982 in California's Central Valley Project. Public scoping meetings have now been scheduled to obtain public input on the issues and alternatives to be addressed in this EIS.

DATES AND LOCATIONS: The scoping meetings will be held as indicated below:

Session 1: October 19, 1992, at 4 p.m., at the Blue Gum Restaurant, Route 2, Box 171, Willows CA 95988.

Session 2: October 20, 1992, at 1 p.m. at the Bureau of Reclamation, room W-1140, 2800 Cottage Way, Sacramento CA 95825.

Session 3: October 21, 1992, at 9 a.m. at the Merced County Spring Fair, 4th and 5th Streets, Germino Building, Los Banos CA 93635.

Session 4: October 21, 1992, at 4 p.m. at the Holiday Inn Central Plaza, Salon C, 2233 Ventura Street, Fresno CA 93721.

ADDRESSES: The public may also provide written input on information that should be included in the EIS. Comments should be submitted to: J. William McDonald, Assistant Commissioner—Resources Management, Bureau of Reclamation, Attention: D-5613, PO Box 25007, Denver CO 80225. Comments must be submitted on or before November 10, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Shaffer, Mid-Pacific Regional Office, Bureau of Reclamation, 2800 Cottage Way, Sacramento CA 95825; telephone: (916) 978-5487.

SUPPLEMENTARY INFORMATION: The RRA restricts owned acreage that is eligible for delivery of irrigation water from Federal Reclamation projects. For most landowners, the ownership limitation is 960 acres. The RRA also requires the payment of "full cost" for project water delivered to land leased over and above certain acreage thresholds. In most cases, that threshold also is 960 acres.

Other provisions of the RRA address water conservation, payment of full operation and maintenance charges, Reclamation water contract requirements, and declaration of landholdings by irrigators.

On July 26, 1991, the United States District Court for the Eastern District of California granted the Natural Resources Defense Council's (NRDC) partial motion for summary judgment (*NRDC v. Duvall, No. Civ. S-88-375 LKK*). The court ruled that the Bureau of Reclamation had not complied with the requirements of the National Environmental Policy Act in preparing an environmental assessment with a "finding of no significant impact" in the

promulgation of its 1987 regulations for the RRA (43 CFR part 426, Rules and Regulations for Projects Governed by Federal Reclamation Law). After a briefing on the issue of relief on March 10, 1992, the court issued an order declaring that:

(1) The issuance of the 1987 Acreage Limitation Rules and Regulations was a major Federal action affecting the quality of the environment, thus requiring the preparation of an environmental impact statement and that not preparing an EIS had violated the Administrative Procedures Act;

(2) Within 30½ months, Reclamation must issue final rules to implement the RRA, including the preparation of an EIS that would apply to all Reclamation projects;

(3) Within 15 months, Reclamation must issue interim rules to implement the RRA in the Central Valley Project, including the preparation of an EIS;

(4) Reclamation must meet a court-ordered schedule of compliance; and

(5) The existing rules will remain in effect until new rules are prepared.

Information materials can be obtained from the contact identified in this notice.

Dated: September 28, 1992.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 92-23972 Filed 10-1-92; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Record of Decision on Land Acquisition and Management of Cokeville Meadows National Wildlife Refuge, Lincoln County, WY

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice makes available to the public the Record of Decision (ROD) on the proposed land acquisition and subsequent management of Cokeville Meadows National Wildlife Refuge, located near Cokeville, Lincoln County, Wyoming. The ROD was prepared in accordance with Council on Environmental Quality regulations at 40 CFR 1505.2. The ROD reflects the recommendations of Fish and Wildlife Service staff to the Regional Director, Region 6, for establishment and incorporation of the proposed Cokeville Meadows National Wildlife Refuge as part of the National Wildlife Refuge System. The recommendations by staff were based on the information contained in the Final Environmental Impact Statement which was filed with the Environmental Protection Agency as

published in the **Federal Register** on June 26, 1992, at Page 28664. The ROD selects Alternative A, The Optimum Management Alternative, as the best strategy for protection and management of the wildlife resources and habitats along the Bear River for the future. The ROD becomes part of the Decision Document transmitted to the Director, Fish and Wildlife Service. The Decision Document contains technical reports on the project in addition to the Final Environmental Impact Statement. The total document completes the preacquisition planning process for the agency.

DATES: ROD by the Regional Director, Region 6, Fish and Wildlife Service, becomes effective October 2, 1992.

ADDRESSES: Written comments on this Notice should be addressed to: Ralph Morgenweck, Regional Director, Region 6, U.S. Fish and Wildlife Service (RW), P.O. Box 25486, DFC, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: David E. Janes, Wildlife Biologist, U.S. Fish and Wildlife Service (RW), P.O. Box 25486, DFC, Denver, Colorado 80225.

SUPPLEMENTAL INFORMATION: The Record of Decision follows:

This Record of Decision is based on the Proposed Cokeville Meadows National Wildlife Refuge Final Environmental Impact Statement (EIS) dated January 1992. The Record also considers comments received from Federal and State agencies, private organizations, and the public during the public review period. The environmental statement describes four alternatives for acquisition and management of the Cokeville Meadows National Wildlife Refuge, and the effects of implementing each of these alternatives. A No Action alternative reflects the effects of maintaining the current status of the proposal area. The other alternatives reflect the various scenarios of acquisition and management by the Fish and Wildlife Service.

It is my decision to select Alternative A, the Optimum Management Alternative, as described in the Final EIS for the acquisition and management of the Cokeville Meadows National Wildlife Refuge. This alternative provides the best strategy for protection and management of the wildlife resources and habitats along the Bear River for the future.

The Optimum Management Alternative, as the selected alternative, was presented for review in the document titled Proposed Cokeville Meadows National Wildlife Refuge Final Environmental Impact Statement

(January 1992). It provided an optimum level of management through a mix of management activities which would require both fee purchase and easement purchases of lands. In acquisition, water rights and mineral rights would also be purchased. All purchases would be negotiated. No condemnation of land would occur. In addition to private lands, State lands and Bureau of Land Management (BLM) lands would be secured for management by the Service. The BLM has been designated as a Cooperating Agency under National Environmental Policy Act (NEPA) guidelines because of future actions within the proposal area that may involve withdrawal of public domain lands currently administered by BLM. Implementation of some of the refuge management aspects of this Record of Decision may require the Service to prepare an analysis of the effects of management actions in accordance with NEPA procedures. If this is found to be necessary, the proposed management actions will be presented to the public as environmental documents, and meetings will be held locally to solicit public comment prior to implementation of the management actions.

Dated: September 18, 1992.

Ralph O. Morgenweck,
Regional Director.

[FR Doc. 92-23864 Filed 10-1-92; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: September 29, 1992.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the notice, Form BOP 102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of

information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1)-(2) MFA Incorporated, 615 Locust Street, Columbia, MO 65201

(3) 615 Locust Street, Columbia, MO 65201

(4) Ann Simpson, 615 Locust Street, Columbia MO 65201

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-23966 Filed 10-1-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Glass Ceiling Commission, Appointment of Members

This is to announce the appointment of members to the Glass Ceiling Commission established by title II of the Civil Rights Act of 1991 (Pub. L. 102-166) and in conformance with the Federal Advisory Committee Act (5 U.S.C. app.). Set forth below is a list of Commission members together with their respective appointing authorities.

- (1) Honorable Lynn Martin—
Chairperson, Secretary of labor
(Designated by statute)
- (2) Patricia V. Asip, National Manager,
Special Segment Marketing, J.C.
Penney Company, Inc. (Appointed by
the President)
- (3) J. Alphonso Brown, Founder, Brown
Consulting Groups (Appointed by the
President)
- (4) Joanne M. Collins, Assistance Vice
President, United Missouri Bank of
Kansas City (Appointed by the
President)
- (5) Joanne D'Arcangelo, Independent
Consultant, (Appointed by the
Majority Leader of the Senate)
- (6) Earl G. Graves, Publisher, Black
Enterprise Magazine (Appointed
jointly by the Speaker of the House of
Representatives and the Majority
Leader of the Senate)
- (7) Beverly A. King, President, King and
Wright Consulting, Inc. (Appointed
jointly by the Speaker of the House of
Representatives and the Majority
Leader of the Senate)
- (8) Jean Ledwith King, Attorney
(Appointed jointly by the Speaker of
the House of Representatives and the
Majority Leader of the Senate)
- (9) Judith L. Lichtman, President,
Women's Legal Defense Fund

(Appointed jointly by the Speaker of
the House of Representatives and the
Majority Leader of the Senate)

- (10) Honorable Nita M. Lowey, Member
of Congress, New York (Appointed by
the Majority and Minority Leaders of
the House of Representatives)
 - (11) Honorable Barbara Mikulski, United
States Senator, Maryland (Appointed
jointly by the Majority and Minority
Leaders of the Senate)
 - (12) Honorable Susan Molinari, Member
of Congress, New York (Appointed by
the Majority and Minority Leaders of
the House of Representatives)
 - (13) Lynn O'Shea, Vice President/
Business Development, Gannett
Company, Inc. (Appointed by the
Minority Leader of the House of
Representatives)
 - (14) Marilyn Pauly, Executive Vice
President, Wichita Trust Div. of Bank
IV Kansas (Appointed by the Minority
Leader of the Senate)
 - (15) Delia M. Reyes, President, Adrian
Research Group (Appointed by the
President)
 - (16) Marion O. Sandler, Founder, World
Savings and Golden West Financial
Corp. (Appointed jointly by the
Speaker of the House of
Representatives and the Majority
Leader of the Senate)
 - (17) Honorable John Seymour, United
States Senator, California (Appointed
jointly by the Majority and Minority
Leaders of the Senate)
 - (18) Maria Contreras Sweet, Vice
President of Public Affairs, Seven-Up/
Royal Crown Bottling Co. of Southern
California (Appointed jointly by the
Speaker of the House of
Representatives and the Majority
Leader of the Senate)
 - (19) Henry Tang, Vice President,
Salomon Brothers (Appointed by the
President)
 - (20) Carol Cox Wait, President,
Committee for a Responsible Federal
Budget (Appointed by the President)
 - (21) Judith Wierciak, Director of Special
Programs, Anheuser-Busch
Companies, Inc. (Appointed by the
Majority Leader of the House of
Representatives)
- The members were selected as
representatives of either organizations
that represent women and minorities
and other related interest groups, or
corporate or other business entities
which are recognized as leaders on
issues relating to equal employment
opportunity. These appointments expire
on November 20, 1995.

Signed at Washington this 28th day of
September, 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92-23924 Filed 10-1-92; 8:45 am]

BILLING CODE 4510-23-M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage decisions of the
Secretary of Labor are issued in
accordance with applicable law and are
based on the information obtained by
the Department of Labor from its study
of local wage conditions and data made
available from other sources. They
specify the basic hourly wage rates and
fringe benefits which are determined to
be prevailing for the described classes
of laborers and mechanics employed on
construction projects of a similar
character and in the localities specified
therein.

The determinations in these decisions
of prevailing rates and fringe benefits
have been made in accordance with 29
CFR part 1, by authority of the Secretary
of Labor pursuant to the provisions of
the Davis-Bacon Act of March 3, 1931, as
amended (46 Stat. 1494, as amended, 40
U.S.C. 276a) and of other Federal
statutes referred to in 29 CFR part 1,
Appendix, as well as such additional
statutes as may from time to time be
enacted containing provisions for the
payment of wages determined to be
prevailing by the Secretary of Labor in
accordance with the Davis-Bacon Act.
The prevailing rates and fringe benefits
determined in these decisions shall, in
accordance with the provisions of the
foregoing statutes, constitute the
minimum wages payable on Federal and
federally assisted construction projects
to laborers and mechanics of the
specified classes engaged on contract
work of the character and in the
localities described therein.

Good cause is hereby found for not
utilizing notice and public comment
procedure thereon prior to the issuance
of these determinations as prescribed in
5 U.S.C. 553 and not providing for delay
in the effective date as prescribed in
that section, because the necessity to
issue current construction industry wage
determinations frequently and in large
volume causes procedures to be
impractical and contrary to the public
interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency have an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division Of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume I

Vermont:
VT91-7 (October 2, p.All. 1992).
VT91-9 (October 2, p.All. 1992).
VT91-10 (October 2, p.All. 1992).
VT91-11 (October 2, p.All. 1992).
VT91-12 (October 2, p.All. 1992).

Volume III

Nevada: NV91-10 (October 5, 1992). p.All.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Florida:
FL91-17 (February 22, p.141, p.142. 1991).
North Carolina:
NC91-1 (February 22, p.All. 1991).
NC91-3 (February 22, p.All. 1991).
NC91-12 (February 22, p.All. 1991).
New Jersey:
NJ91-2 (February 22, p.701, p.702. 1991).
NJ91-3 (February 22, p.721, p.722. 1991).
New York:
NY91-2 (February 22, p. 777, pp.780-781. 1991).
NY91-3 (February 22, pp.797-798. 1991).
NY91-7 (February 22, p.837, pp.838-840, pp.842-856c. 1991).
NY91-21 (February 22, p.952a, pp.952b-952c. 1991).
NY91-22 (February 22, p.952i, pp.952j-952m. 1991).
Pennsylvania:
PA91-4 (February 22, p.985, p.988. 1991).
PA91-6 (February 22, p.1007, pp.1008-1010. 1991).
PA91-10 (February 22, p.1047, p.1048. 1991).
PA-12 (February 22, p.1057, pp.1058-1059. 1991).
PA91-14 (February 22, p.1063, p.1066. 1991).
PA91-20 (February 22, p.1099, p.1101. 1991).
PA91-23 (February 22, p.1123, pp.1124-1126. 1991).
Tennessee: TN91-2 (February 22, 1991). p.1195, p.1196.

Volume II

Illinois:
IL91-1 (February 22, p.69, p.79. 1991).
IL91-3 (February 22, p.115, p.117. 1991).
IL91-12 (February 22, p.171, p.173. 1991).
IL91-13 (February 22, p.183, p.186. 1991).
IL92-14 (February 22, p.195, p.198. 1991).
IL91-15 (February 22, p.205, p.208. 1991).

Kansas: KS91-12 (February 22, 1991). p.All.
Michigan: MI91-7 (February 22, 1991). p.All.

Volume III

Alaska: AK91-1 (February 22, 1991). p.All.
Arizona:
AZ91-1 (February 22, p.All. 1991).
AZ91-3 (February 22, p.All. 1991).
California:
CA91-1 (February 22, p.All. 1991).
CA91-2 (February 22, p.All. 1991).
CA91-4 (February 22, p.All. 1991).
Hawaii: HI91-1 (February 22, 1991). p.All.
Montana: MT91-8 (February 22, 1991). p.All.
Nevada:
NV91-1 (February 22, p.299, p.303. 1991).
NV91-4 (February 22, p.345, p.347. 1991).
Utah:
UT91-3 (February 22, p.409, p.410. 1991).
UT91-4 (February 22, p.419, p.420. 1991).
UT91-5 (February 22, p.421, p.422. 1991).
UT91-6 (February 22, p.423, p.424. 1991).
UT91-7 (February 22, p.425, p.426. 1991).
UT91-8 (February 22, p.All. 1991).
UT91-10 (February 22, p.435, p.436. 1991).
UT91-11 (February 22, p.437, p.438. 1991).
UT91-13 (February 22, p.All. 1991).
UT91-15 (February 22, p.All. 1991).
UT91-20 (February 22, p.All. 1991).
Washington: WA91-11 (February 22, 1991). p.All.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing

Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 25th day of September 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-23739 Filed 10-1-92; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for clearance of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by November 2, 1992.

ADDRESSES: Send comments to Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Ms. Roberta Dunn, National Endowment for the Arts, Congressional Liaison Office, room 525, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506; (202-682-5434).

FOR FURTHER INFORMATION CONTACT: Ms. Judith O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a new collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be

reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: FY 93 Expansion Arts Program "Capstone Project" Application Guidelines

Frequency of Collection: One-time.

Respondents: Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from non-profit arts organizations that apply for funding under the Expansion Arts' Capstone Project initiative. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 60.

Average Burden Hours per Response: 16.

Total Estimated Burden: 960.

Roberta Dunn,

Congressional Liaison, National Endowment for the Arts.

[FR Doc. 92-23915 Filed 10-1-92; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Systematic Assessment of License Performance (SALP)

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed changes to the SALP program; extension of comment period.

SUMMARY: On August 28, 1992, (57 FR 39249) the Nuclear Regulatory Commission (NRC) published its plans to conduct a public meeting to discuss proposed changes to the SALP program on September 29, 1992, and to solicit public comment. The public comment period was to have expired on September 29, 1992. In view of the importance of the proposed changes, the NRC has decided to extend the comment period for an additional ten days to allow interested parties the opportunity to comment on issues discussed at the public meeting on September 29, 1992. The extended comment period now expires on October 9, 1992.

DATES: The comment period has been extended and now expires October 9, 1992. Comments received after this date will be considered if it is practical to do so but the Commission is able to assure consideration only for comments received before this date.

ADDRESSES: Submit written comments to: Chief, Rules and Directives Review Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Cornelius Holden, M/S 10-A-19, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 504-1037.

Dated at Rockville, Maryland this 28th day of September, 1992.

For the Nuclear Regulatory Commission.

Cornelius Holden,

Senior Operations Engineer, Office of Nuclear Reactor Regulation.

[FR Doc. 92-23934 Filed 10-1-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-498 and 50-499]

Houston Lighting and Power Co.; City Public Service Board of San Antonio; Central Power and Light Co.; City of Austin, TX; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-76 and NPF-80 issued to Houston Lighting & Power Company, et al., (the licensee) for operation of the South Texas Project, located in Matagorda County, Texas. The original application dated August 30, 1991, was previously published in the *Federal Register* on October 16, 1991 (56 FR 51926). That application was superseded in its entirety by application dated June 2, 1992.

The proposed amendments would change the technical specifications to reflect a change in the actuation logic which would accompany the replacement of the two original toxic gas monitoring channels with three state-of-the-art toxic gas monitoring channels. The actuation logic would be revised to provide a two-out-of-three (2/3) logic for a high toxic gas actuation signal and monitor failure actuation logic, as opposed to the current one-out-of-two (1/2) and two-out-of-two (2/2) logic respectively. In the June 2, 1992, submittal, the licensee requested approval of an interim technical specification in September 1992 followed by a final technical specification to be effective in February 1993. This would allow adequate time for hardware and procedural changes to

support installation of the third toxic gas monitoring channel during the Unit 1 refueling outage (fall 1992) and Unit 2 refueling outage (spring 1993).

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The addition of a third channel of toxic gas monitoring would not increase the probability of a previously evaluated accident because the toxic gas analyzers have no role in the initiation of an accident. Consequences of a previously evaluated accident would not increase because a third monitor would provide additional redundancy and reliability to the current monitoring system. Therefore, a more credible toxic gas monitoring system would be in place, and the probability or consequences of an accident previously evaluated would not be significantly increased.

(2) The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change would not require the toxic gas monitoring system to perform any safety function for which it is not already designed or required to perform. Adding a third analyzer to the monitoring system for each Unit would provide additional redundancy in the detection of toxic gas release. For these reasons, the proposed change would not create the possibility of a new or different kind of accident from any previously evaluated.

(3) The proposed change does not involve a significant reduction in a margin of safety.

The decrease in probability of actuation when required for the high

toxic gas actuation signal and increase in probability of spurious actuation for the loss of power/malfunction actuation signal are slight and do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 2, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488. If a request for a hearing or petition for

leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made 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 reply in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The

contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform

the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Suzanne C. Black: Petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated June 2, 1992, which is available for public inspection at the Commission's Public Document room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Dated at Rockville, Maryland, this 28th day of September 1992.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Senior Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-23935 Filed 10-1-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority, Sequoyah Nuclear Plant, Units 1 and 2; Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a portion of a request by the Tennessee Valley Authority (TVA or the licensee) for an amendment to Facility Operating License Nos. DPR-77 and DPR-79 issued to the licensee for operation of the Sequoyah Nuclear Plant, Units 1 and 2, located in Soddy Daisy, Tennessee. Notice of

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration and Determination and Opportunity for Hearing was published in the **Federal Register** on July 8, 1992 (57 FR 30262) and noticed on August 5, 1992 (57 FR 34591).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) to reflect a restructuring within TVA's Nuclear Power Organization affecting the Independent Safety Engineering manager, change the reference document that contains the facility staff qualification and training requirements, and update Plant Operations Review Committee membership.

The staff has determined that the proposed change to substitute the references to ANSI N18.1-1971, the March 28, 1980 NRC letter, and Regulatory Guide 1.8, with a reference to the TVA Nuclear Quality Assurance Plan in Specification 6.3.1 cannot be granted. Similarly, the proposed substitution of the references to ANSI N18.1-1971 in Specification 6.4.1 with a reference to the TVA Quality Assurance Plan cannot be granted. The licensee was notified of the Commission's denial by letter dated.

By November 2, 1992, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1992, which was modified by letter dated July 14, 1992, and (2) the Commission's letter to the licensee dated.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the

Chattanooga-Hamilton County Library,
1001 Broad Street, Chattanooga,
Tennessee 37402. A copy of item (2) may
be obtained upon request addressed to
the U.S. Nuclear Regulatory
Commission, Washington, DC, 20555,
Attention: Document Control Desk.

Dated at Rockville, Maryland, this 28th day
of September, 1992

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

*Director, Project Directorate II-4, Division of
Reactor Projects—1/II, Office of Nuclear
Regulation.*

[FR Doc. 92-23936 Filed 10-1-92; 8:45 am]

BILLING CODE 7500-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council; Meeting

AGENCY: Office of Personnel
Management.

ACTION: Cancellation of meeting.

SUMMARY: According to the provisions
of section 10 of the Federal Advisory
Committee Act (Pub. L. 92-463), notice is
hereby given that the previously
scheduled October 5th meeting of the
Federal Salary Council is canceled. The
next meeting of the Federal Salary
Council will be held at the time and
place shown below. The agenda for this
meeting will be the discussion of issues
relating to the new locality-based-
comparability payments authorized by
the Federal Employees Pay
Comparability Act of 1990 (FEPCA). The
meeting will be open.

DATES: The October 5, 1992, meeting is
canceled. The next meeting is scheduled
for October 28, 1992, beginning at 10
a.m.

ADDRESSES: Office of Personnel
Management, 1900 E Street, NW., room
7B09, Washington, DC.

FOR FURTHER INFORMATION CONTACT:
Ruth O'Donnell, Chief, Salary Systems
Division, Office of Personnel
Management, 1900 E Street, NW., room
6H31, Washington, DC 20415-0001.
Telephone number: (202) 606-2838.

For the President's Pay Agent.

Douglas A. Brook,
Acting Director.

[FR Doc. 92-23947 Filed 10-1-92; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31241; File No. SR-NASD-
92-37]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Transaction Reporting Procedures

September 25, 1992.

Pursuant to section 19(b)(1) of the
Securities Exchange Act of 1934 ("Act"),
15 U.S.C. 78b(1), notice is hereby
given that on August 31, 1992, the
National Association of Securities
Dealers, Inc. ("NASD" or "Association")
filed with the Securities and Exchange
Commission ("Commission" or "SEC")
the proposed rule change as described
in Items I, II, and III below, which Items
have been prepared by the NASD. The
purpose of the proposed rule change is
to effect various technical changes in
the rules governing real-time transaction
reporting. The Commission is publishing
this notice to solicit comments on the
proposed rule change from interested
persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD hereby files this proposed
rule change, pursuant to section 19(b)(1)
of the Securities Exchange Act of 1934
(the "Act") and rule 19b-4 thereunder, to
effect various technical changes in the
rules governing real-time transaction
reporting in Nasdaq/National Market
System ("Nasdaq/NMS") securities,
Nasdaq Small-Cap securities, and
exchange-listed securities. The affected
provisions of the NASD rules are
contained in Parts XII and XIII of
Schedule D, and in Schedule G to the
NASD By-Laws. The text of the
proposed changes is set forth below;
new language is italicized while deleted
language is bracketed.

Part XII—Reporting Transactions in NASDAQ National Market System Designated Securities

This part has been adopted pursuant
to Article VII of the Corporation's By-
Laws and applies to the reporting by all
members of transactions in Nasdaq/
National Market System securities
("designated securities") through the
[Transaction Reporting System]
*Automated Confirmation Transaction
Service ("ACT").*

* * * * *

Section 1—Definitions

* * * * *

(b) ["Transaction Reporting System"
means the transaction reporting system
for the reporting and dissemination of
last sale reports in designated
securities.] "*Automated Confirmation
Transaction Service*" or "*ACT*" is the
service that, among other things,
accommodates reporting and
dissemination of last sale reports in
designated securities.

* * * * *

Section 2—Transaction Reporting

(a) When and How Transactions are Reported

(1) Registered Reporting Market
Makers shall, [transmit through the
Transaction Reporting System] within 90
seconds after execution, *transmit*
through ACT last sale reports of
transactions in designated securities
executed during [the] *normal market*
hours. [of the Transaction Reporting
System] Transactions not reported
within 90 seconds after execution shall
be designated as late.

(2) Non-Registered Reporting
Members shall, *within 90 seconds after
execution, transmit through ACT or the
ACT Service Desk (if qualified pursuant
to Part IX of Schedule D to the By-
Laws), or if ACT is unavailable due to
system or transmission failure, by
telephone to the Market Operations
Department in New York City, last sale
reports of transactions in designated
securities executed during normal
market hours.* [transmit through the
Transaction Reporting System, or if such
System is unavailable, via Telex, TWX
or telephone to the Nasdaq Operations
Department in New York City, within 90
seconds after execution, last sale
reports of transactions in designated
securities executed during the trading
hours of the Transaction Reporting
System unless all of the following
criteria are met:]

[(A) The aggregate number of shares
of designated securities which the
member executed and is required to
report during the trading days does not
exceed 1,000 shares; and]

[(B) The total dollar amount of shares
of designated securities which the
member executed and is required to
report during the trading day does not
exceed \$25,000; and]

[(C) The member's transactions in
designated securities have not exceeded
the limits of (A) or (B) above on five or
more of the previous ten trading days.]

Transactions not reported within 90
seconds after execution shall be
designated as late. [If the member has
reason to believe its transactions in a
given day will exceed the above limits,
it shall report all transactions in

designated securities within 90 seconds after execution; in addition, if the member exceeds the above limits at any time during the trading day, it shall immediately report and designate as late any unreported transactions in designated securities executed earlier that day.]

(3) Non-Registered Reporting Members shall report weekly to the Market [Nasdaq] Operations Department in New York City, on a form designated by the Board of Governors, last sale reports of transactions in designated securities which are not required to be reported under paragraph (2) or (4). [by paragraph (2) to be reported within 90 seconds after execution].

(4) Last sale reports of transactions in designated securities executed between the hours of 4 p.m. and [5:00] 5:15 p.m. Eastern Time shall be transmitted through [the Transaction Reporting System no later than 5 p.m. Eastern Time] ACT within 90 seconds after execution; trades executed and reported after 4 p.m. Eastern Time shall be designated as "T" or after hours trades.

(5) All members shall report weekly to the [Nasdaq] Market Operations Department in New York City, on a form designated by the Board of Governors, last sale reports of transactions in designated securities executed outside the hours of 9:30 a.m. and 5:15 [5:00] p.m. Eastern Time.

Part XIII—Reporting Transactions in NASDAQ Small-Cap Securities

This part has been adopted pursuant to Article VII of the Corporation's By-Laws and sets forth the applicable reporting requirements for transactions in Nasdaq Small-Cap securities ("designated securities"), [that are not classified as Nasdaq/National Market System securities.] Members shall utilize the Automated Confirmation Transaction Service ("ACT") for transaction reporting.

Section 2—Transaction Reporting

(a) When and How Transactions are Reported

(2) Non-Registered Reporting Members shall, within 90 seconds after execution, transmit through ACT or the ACT service desk (if qualified pursuant to Part IX of Schedule D to the By-Laws), or if ACT is unavailable due to system or transmission failure, by telephone to the Market Operations Department in New York City, last sale reports of transactions in designated

securities executed during normal market hours. [unless all of the following criteria are met:]

[(A) The aggregate number of shares of designated securities which the member executed and is required to report during the trading day does not exceed 1,000 shares; and]

[(B) The total dollar amount of shares of designated securities which the member executed and is required to report during the trading day does not exceed \$25,000; and]

[(C) The member's transactions in designated securities have not exceeded the limits of (A) or (B) above on five or more of the previous ten trading days.]

Transactions not reported within 90 seconds after execution shall be designated as late. [If the member has reason to believe its transactions in a given day will exceed the above limits, it shall report all transactions in designated securities within 90 seconds after execution; in addition, if the member exceeds the above limits at any time during the trading day, it shall immediately report and designate as late any unreported transactions in designated securities executed earlier that day.]

(3) Non-Registered Reporting members shall report weekly to the [Nasdaq] Market Operations Department in New York City, on a form designated by the Board of Governors, last sale reports of transactions in designated securities which are not required to be reported under paragraph (2) or (4). [required by paragraph (2) to be reported within 90 seconds after execution.]

(4) Last sale reports of transactions in designated securities executed between the hours of 4 p.m. and 5:15 [5:00] p.m. Eastern Time shall be transmitted through [the] ACT [System] within 90 seconds after execution; trades executed and reported after [4:10] 4 p.m. Eastern Time shall be designated as "T" or after hours trades.

(5) All members shall report weekly to the [Nasdaq] Market Operations Department in New York City, on a form designated by the Board of Governors, last sale reports of transactions in designated securities executed outside the hours of 9:30 a.m. and 5:15 [5:00] p.m. Eastern Time.

Schedule G

REPORTING TRANSACTIONS IN LISTED SECURITIES

Section 1—Definitions

(c) "Registered [Designated] Reporting Member" means a member of the Association that is registered as a CQS market maker, pursuant to Part VII of Schedule D of the Association's By-Laws, in a particular eligible security. A member is a Registered Reporting Market Maker in only those eligible securities for which it has registered as a CQS market maker. A member shall cease being a Registered Reporting Market Maker in an eligible security when it has withdrawn or voluntarily terminated its quotations in that security or when its quotations have been suspended or terminated by action of the Corporation.

(e) "Non-Registered [Designated] Reporting Member" means [all] a member[s] of the Association that [which are] is not a Registered [Designated] Reporting Member[s].

(f) "Automated Confirmation Transaction Service" or "ACT" is the service that, among other things, accommodates reporting and dissemination of last sale reports in eligible securities.

Section 2—Transaction Reporting

(a) When and How Transactions are Reported

(1) Registered [Designated] Reporting Members shall transmit through ACT, [the NASDAQ Transaction Reporting system,] within 90 seconds after execution, last sale reports of transactions in eligible securities executed during the trading hours of the Consolidated Tape otherwise than on a national securities exchange. Registered [Designated] Reporting members shall also transmit through [the NASDAQ] Transaction Reporting System,] ACT, within 90 seconds after execution, last sale reports of transactions in eligible securities executed in the United States otherwise than on a national securities exchange between 4 p.m. and 5:15 p.m. Eastern Time. Transactions not reported within 90 seconds after execution shall be designated as late.

(2) Non-Registered [Designated] Reporting Members shall, within 90 seconds after execution, transmit through ACT or the ACT Service Desk (if qualified pursuant to Part IX of Schedule D to the NASD By-Laws), or if ACT is unavailable due to system or transmission failure by telephone to the Market Operations Department in New York City, [the Transactions Reporting System, or if such System is unavailable, via Telex, TWX or telephone, to the NASDAQ Department in New York City, within 90 seconds after execution,] last sale reports of transactions in

eligible securities executed during the trading hours of the Consolidated Tape otherwise than on a national securities exchange. [unless all of the following criteria are met:]

[(A) The aggregate number of shares of eligible securities which the member executed and is required to report does not exceed 1,000 shares in any one trading day; and]

[(B) The total dollar amount of shares of eligible securities which the member executed and is required to report does not exceed \$25,000 in any one trading day; and]

[(C) The member's transaction in eligible securities have not exceeded the limits of (A) or (B) above on five or more of the previous ten trading days.]

Non-Registered [Designated] Reporting Members shall [transmit through the NASDAQ Reporting System, or if such System is unavailable, via Telex, TWX or telephone, to the NASDAQ Department in New York City], within 90 seconds after execution, transmit through ACT or the ACT service desk (if qualified pursuant to Part IX of Schedule D to the By-Laws), or if ACT is unavailable due to system or transmission failure, by telephone to the Market Operations Department in New York City, last sale reports of transactions in eligible securities executed in the United States otherwise than on a national securities exchange between the hours of 4 p.m. and 5:15 p.m. Eastern Time. [unless all of the criteria specified in paragraphs (A), (B) and (C) above are met.]

Transactions not reported within 90 seconds after execution shall be designated as late. [If the member has reason to believe its transactions in a given day will exceed the above limits, it shall report all transactions in eligible securities within 90 seconds after execution; in addition, if the member exceeds the above limits at any time during the trading day, it shall immediately report and designate as late any unreported transactions in eligible securities executed earlier that day.]

(3) Non-Registered [Designated] Reporting Members shall report weekly to the [Nasdaq] Market Operations Department in New York City, on Form T, last sale reports of transactions in eligible securities that [which] are not required [by paragraph (2)] to be reported [within 90 seconds after execution] under paragraph (2).

(b) Which Party Reports Transactions

(2) In transactions between two Registered [Designated] Reporting

Members, only the member representing the sell side shall report.

(3) In transactions between a Registered [Designated] Reporting Member and Non-Registered [Designated] Reporting Member, only the Registered [Designated] Reporting Member shall report.

(4) In transactions between [the] Non-Registered [Designated] Reporting Member, only the member representing the sell side shall report.

* * * * *

II. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Through the instant filing, the NASD is seeking the SEC's approval of a series of technical changes to those NASD rules that govern transaction reporting by member firms. Overall, these modifications are intended to make the language of the affected rules more consistent and thereby facilitate compliance by member firms. For example, the amended rules delete outmoded references to reporting systems that have been supplanted by the Automated Confirmation Transaction Service ("ACT") and support facilities offered by the ACT service desk in New York City. Further, the proposed amendments would delete the *de minimis* thresholds for real-time trade reporting in Nasdaq and exchange-listed securities that have existed for many years.¹ This will result in reduced usage of Form T as a reporting vehicle for transactions effected between 9:30 a.m. and 5:15 p.m. Eastern Time. Hence, the NASD will capture additional transaction data electronically, for purposes of public

¹ These thresholds apply exclusively to transactions effected by a member firm that is not a registered market maker in the particular reportable security and that effects transactions in such security with other non-market makers or public customers.

dissemination as well as integration into the regulatory audit trail.

The NASD believes that this proposed rule change is consistent with section 11A(a)(1) and 15A(b)(6) of the Act. More specifically, section 11A(a)(1) articulates the Congressional findings that expanded use of automation is important to ensure broad dissemination of market data (including last sale information), and the efficient operation of the nation's securities markets. Section 15A(b)(6) provides, *inter alia*, that the NASD's rules be designed to prevent fraudulent/manipulative practices, promote just and equitable principles of trade, and facilitate securities transactions. The NASD posits that the proposed amendments to the trade reporting rules are fully consistent with these statutory provisions and that their implementation will enhance market efficiency as well as the NASD's automated surveillance capabilities.

B. Self-Regulatory Organization's Statement on the Burden on Competition

The NASD believes that the rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available, for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by October 23, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-23904 Filed 10-1-92; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-31242; International Series Release No. 462; File No. SR-OCC-92-25]

Self-Regulatory Organization; The Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Expiration Date of End-of-Month Foreign Currency Options and End-of-Month Cross-Rate Foreign Currency Options.

September 25, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on September 11, 1992, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been primarily prepared by OCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would modify the expiration date for certain end-of-month foreign currency options and end-of-month cross-rate foreign currency options (collectively hereinafter referred to as "EMOs") to address the possibility of a lack of liquidity for these instruments during

certain holidays celebrated throughout the world.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to conform OCC's expiration date for EMOs traded on the Philadelphia Stock Exchange ("PHLX") to the expiration date proposed in PHLX's File No. SR-PHLX-92-25. On July 21, 1992, the Commission approved a rule change proposed by PHLX which allows PHLX to list foreign currency options and cross-rate foreign currency options with an expiration date that is the Saturday following the last Friday of the expiration month.² On July 13, 1992, the Commission approved OCC's corresponding filing which allows OCC to issue, clear, and guarantee EMOs.³

As presently defined by both OCC's Rules⁴ and PHLX's Rules,⁵ the December 1992 series of EMOs will expire on the day after Christmas in 1992, and the December 1993 series will expire on New Year's Day in 1994. The last trading days for these EMOs will be Thursday, December 24, 1992, and Thursday, December 30, 1993, respectively.⁶ PHLX notes that the day before the Christmas holiday and the day before the New Year's Day holiday are typically characterized by light trading and relatively low levels of liquidity. As more fully explained in its filing, PHLX believes that these liquidity concerns can be obviated by changing the expiration date of these series of EMOs to the Saturday immediately preceding December 25th. OCC

² Securities Exchange Act Release No. 30016 (July 21, 1992), 57 FR 33301 (File No. SR-PHLX-92-13).

³ Securities Exchange Act Release No. 30919 (July 13, 1992), 57 FR 32036 (File No. SR-OCC-92-10).

⁴ OCC By-Laws, Art. XV, section 1(b) and Art. XX, section 1(i).

⁵ PHLX Option Rule 1000 (b)21.

⁶ PHLX will close on Friday December 31, 1993, in observance of the New Year's Day Holiday.

therefore proposes the corresponding change in its Rules.

OCC believes the proposed rule change is consistent with Section 17A of the Act, as amended,⁷ because it applies the same systems, procedures, and safeguards to the clearance and settlement of EMOs that are presently used successfully by OCC with all foreign currency and cross-rate foreign currency options. The rule change will therefore facilitate the prompt and accurate clearance and settlement of such options while addressing the liquidity concerns.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members Participants or Other

Written comments were not and are not intended to be solicited with respect to this proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that OCC's proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and, in particular, with the requirements of section 17A(b) (3) (A) and (F).⁸ Those sections require that a clearing agency be organized, have the capacity to facilitate, and have rules designed to safeguard securities and funds in its custody or control or for which it is responsible. The Commission believes that the changes embodied in OCC's proposal will better enable OCC to meet this statutory requirement by addressing the possibility of lack of liquidity for certain options during certain holidays celebrated throughout the world.

As discussed above, the day before the Christmas holiday and the day before the New Year's Day holiday historically lack liquidity. PHLX has noted that liquid markets in foreign exchange instruments are negatively impacted on these dates because these holidays are observed worldwide. The liquidity concern is compounded by the fact that the last trading day before the expiration date of these EMO's is the day before the holiday and participants

⁷ 15 U.S.C. 78q-1.

⁸ 15 U.S.C. 78q-1(b) (3) (A) and (F).

¹ 15 U.S.C. 78b(b)(1) (1984).

generally are active on their last trading day before an expiration date. By changing the expiration date to the Saturday immediately preceding December 25th when the last Friday of the expiration month is either December 25th or December 31st, the liquidity concerns should be addressed because the last trading day before the expiration date will not be the day before a globally celebrated holiday.

OCC has requested that the Commission find good cause for approving this proposed rule change prior to the thirtieth day after the date of publication of the notice of filing in the **Federal Register** in order that OCC's proposed rule change may become effective concurrently with PHLX's proposed rule change and in time for PHLX to disclose the modification to the December EMOs month-end expiration prior to the listing of such series on September 28, 1992. OCC believes that even if SR-PHLX-92-25 is approved, PHLX will not be able to list series with the new December expiration date until this proposed rule change has also become effective. The Commission finds good cause for so approving because by granting accelerated approval OCC will be able to avoid issuing EMOs with expiration dates that fall on days with light trading and relatively low levels of liquidity and PHLX will be able to notify in a timely manner its members participants, and customers of the modification to the December EMOs.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number SR-OCC-92-25 and should be submitted by October 23, 1992.

V. Conclusion

On the basis of the foregoing, the Commission finds that OCC's proposed rule change is consistent with the Act and in particular with section 17A of the Act.⁹

It is therefore ordered, under section 19(b)(2)¹⁰ of the Act, that the proposed rule change [File No. SR-OCC-92-25] be and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-23905 Filed 10-1-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-92-28]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before October 22, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

⁹ 15 U.S.C. 78q-1.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(12) (1991).

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT:

Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on September 24, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 109CE.

Petitioner: Fairchild Aircraft.

Sections of the FAR Affected: 14 CFR 23.201, 23.203, 23.207 and 23.1545.

Description of Relief Sought: To permit type certification of a commuter category airplane with certain stall characteristics and airspeed indicator markings that are appropriate to SA227-CC, SA227-DC, and all subsequent commuter category airplanes approved on Type Certificate A18SW aircraft.

Docket No.: 22441.

Petitioner: United Airlines.

Sections of the FAR Affected: 14 CFR 121.440

Description of Relief Sought: To amend Exemption No. 3451, as amended, to permit United Airline captains to serve as police in command without having passed a line check within the previous 12 months

Docket No.: 26738.

Petitioner: Ramsey County Sheriff's Air Patrol.

Sections of the FAR Affected: 14 CFR 61.118.

Description of Relief Sought: To permit members of the Ramsey County Sheriff's Air Patrol to be reimbursed for fuel, oil, and maintenance costs while performing official duties involving airborne search and rescue, drug surveillance and interdiction, and prisoner transport missions.

Docket No.: 26920.

Petitioner: City of Department of Aviation.

Sections of the FAR Affected: 14 CFR 107.17.

Description of Relief Sought: To allow City of Chicago, Department of Aviation security officers to bypass terminal checkpoint security screening when responding to emergency situations in sterile airport areas.

Docket No.: 26949.

Petitioner: KaiserAir, Inc.

Sections of the FAR Affected: 14 CFR 135.247(a)(2).

Description of Relief Sought: To consider a Gulfstream 1159 and a Gulfstream IV one type of aircraft for the purpose of allowing any combination of 3 takeoffs and 3 landings in the preceding 90 days in either aircraft to satisfy § 135.247(a)(2).

Docket No.: 26961.

Petitioner: Regional Airline Association.

Sections of the FAR Affected: 14 CFR 91.205(b)(11).

Description of Relief Sought: To relieve members of the Regional Airline Association from the requirement to equip multi-engine turboprop airplanes, operated under part 135, with pyrotechnic signaling devices when operated over water beyond power-off gliding distance from shore.

Docket No.: 26964.

Petitioner: L R Services.

Sections of the FAR Affected: 14 CFR 91.191 (a)(5) and 135.165(b)(6) and (b)(7)

Description of Relief Sought: To allow L R Services to operate certain extended overwater flights with only one HF communications system.

Docket No.: 26966.

Petitioner: Airman Flight School, Inc.

Sections of the FAR Affected: 14 CFR 141.65

Description of Relief Sought: To permit Airman Flight School, Inc. to recommend graduates of the school's approved certification courses for flight instructor and airline transport pilot ratings without having taken the FAA written or flight test.

Docket No.: 26967.

Petitioner: Mr. William W. Niendorff.

Sections of the FAR Affected: 14 CFR 121.383(c).

Description of Relief Sought: To allow Mr. William W. Niendorff to serve as a pilot in part 121 air carrier operations after his 60th birthday.

Dispositions of Petitions

Docket No.: 23465.

Petitioner: Everts Air Fuel, Inc.

Sections of the FAR Affected: 14 CFR 91.31(a).

Description of Relief Sought/

Disposition: To amend Exemption No. 4296, as amended, from § 91.31(a) to add McDonnell Douglas DC-6 aircraft,

registration numbers N351CE, N451CE, and N4390F, to the original listing of exempted aircraft. In addition, to extend the termination date of Exemption No. 4296, as amended, which enables Everts Air Fuel, Inc., to operate its McDonnell Douglas DC-6 aircraft, registration numbers N351CE, N451CE, and N4390F, and its McDonnell Douglas DC-6B aircraft, registration numbers N151 and N251CE, at a 5 percent increased zero fuel and landing weight.

Grant, September 16, 1992, Exemption No. 4296D

Docket No.: 26695.

Petitioner: Comair Aviation Academy.

Sections of the FAR Affected: 14 CFR 141.65.

Description of Relief Sought/

Disposition: To allow Comair Aviation Academy to hold examining authority for flight instructor and airline transport pilot written tests.

Partial Grant, September 21, 1992, Exemption No. 5523

Docket No.: 26746.

Petitioner: Pacific States Aviation Incorporated.

Sections of the FAR Affected: 14 CFR 135.181(a)(1).

Description of Relief Sought/

Disposition: To permit Pacific States Aviation Incorporated and Jet Charter to provide passenger-carrying, on-demand air taxi operations during instrument flight rule and over-the-top conditions in the TBM 700 single-engine turbopropeller airplane.

Denial, September 18, 1992, Exemption No. 5510

Docket No.: 26849.

Petitioner: Captain Scott Ferris.

Sections of the FAR Affected: 14 CFR 61.197(a) and (b).

Description of Relief Sought/

Disposition: To allow Captain Scott Ferris to be exempt from the flight instructor certificate renewal requirements.

Denial, September 16, 1992, Exemption No. 5522

[FR Doc. 92-23942 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-13-M

Deadline Extension for Solicitation of Aviation Research Grants Proposal

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that the deadline for submitting proposals in response to Solicitation 91.1, *Grants for*

Aviation Research, which was issued pursuant to Public Law 101-508 and Public Law 101-604, is hereby extended from September 30, 1992 to November 30, 1992. The notice announcing the availability of the Solicitations was originally published at 56 FR 61271.

FOR FURTHER INFORMATION CONTACT: William E. Reilly Jr., Office of Research and Technology Applications, ACL-1 FAA Technical Center, Atlantic City International Airport, NJ 08405. Telephone: (609) 484-4761.

Dated: September 22, 1992.

Gilbert B. Davey, Jr.,

Acting Deputy Director, Federal Aviation Administration, Technical Center.

[FR Doc. 92-23943 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-13-M

Research, Engineering, and Development Advisory Committee; Meeting

Pursuant to section 10(A) (2) of the Federal Advisory Committee Act (Pub. L. 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 Tuesday, October 27, 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 brief updates from the committee on current tasks in the areas of Capacity Technology, Runway Incursions, and Human Factors. In addition, the committee will receive an overview of the FAA R, E&D Program, highlighting the thrusts for the upcoming year, as well as updates on FAA initiatives in the areas of Automation and Satellites.

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 September 24, 1992.

Martin T. Pozesky,

Executive Director, Research, Engineering, and Development Advisory Committee.

[FR Doc. 92-23937 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-13-M

Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In August 1992, there were seven applications approved and one supplemental decision.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: City and County of Twin Falls, Twin Falls, Idaho.

Application Type: Impose and Use PFC Revenue.

PFC Level: \$3.00.

Total Approved Net PFC Revenue: \$270,000.

Earliest Permissible Charge Effective Date: November 1, 1992.

Duration of Authority to Impose: May 1, 1998.

Class of Air Carriers Not Required to Collect PFC's: Part 135 on-demand air taxi/commercial operators.

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Project Approved to Impose and Use: Construction of terminal building.

Decision Date: August 12, 1992.

FOR FURTHER INFORMATION CONTACT:

Ms. Suzanne Lee-Pang, Federal Aviation Administration, Seattle Airports District Office, 1601 Lind Avenue, SW., suite 205, Renton, Washington 98055-4056, (206) 227-2654.

Public Agency: Port of Seattle, Seattle, Washington.

Application Type: Impose and Use PFC Revenue.

PFC Level: \$3.00.

Total Approved Net PFC Revenue: \$28,847,488.

Earliest Permissible Charge Effective Date: November 1, 1992.

Duration of Authority to Impose:

January 1, 1994.

Class of Air Carriers Not Required to Collect PFC's: Commercial operators of small aircraft, comprising less than 1 percent of the total enplanements at the airport.

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved:

Noise remedy program,
Airfield taxiways,
Runway incursion improvements,
Runway 16L/34R structural overlay and safety area improvements,
Design for the Runway 16R/34L rehabilitation project,
South airport support area planning/ environmental impact statement,
Fire response vehicles,
Security improvements,
Satellite transit system improvements.

Decision Date: August 21, 1992.

SUPPLEMENTARY INFORMATION: Mr. Paul Johnson, Federal Aviation Administration, Seattle Airports District Office, 1601 Lind Avenue, SW., suite 205, Renton, Washington 98055-4056, (206) 227-2655.

Public Agency: City of Meridian, Meridian, Mississippi.

Application Type: Impose and Use PFC Revenue.

PFC Level: \$3.00.

Total Approved Net PFC Revenue: \$122,500.

Earliest Permissible Charge Effective Date: November 1, 1992.

Duration of Authority to Impose: June 1, 1994.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved:

Medium intensity runway lights on Runway 4/22,
Parallel taxiway lighting along a portion of Runway 4/22,
Fire truck,
Proximity suits,
Construct new taxiway south of the control tower,
Install new automatic gate actuators and gate hangars on four gates,
Overlay T-hangar taxiway and improve drainage,
Seal concrete joints on general aviation parking apron,
Update airport master plan,
Pavement sweeper,
Storm sewer repairs.

Brief Description of Projects Disapproved: Repave Runway 4/22.

Determination: The disapproved amount, \$120,000, represents the City's

request for PFC revenues to fund the local match of a proposed Airport Improvement Program (AIP) project. The total project cost is \$1,200,000. The City requests AIP funding of \$1,080,000 of which \$1,050,000 is discretionary funding and \$30,000 is entitlement funding. The FAA cannot commit to this level of AIP discretionary funding at this time, a critical consideration on an impose and use application.

Decision Date: August 21, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. Elton E. Jay, FAA Airports District Office, 120 North Hangar Drive, suite B, Jackson, Mississippi, 39208-2306, (601) 965-4628.

Public Agency: Lehigh-Northampton Airport Authority, Allentown, Pennsylvania.

Application Type: Impose PFC Revenue.

PFC Level: \$3.00.

Total Approved Net PFC Revenue: \$3,778,111.

Earliest Permissible Charge Effective Date: November 1, 1992..

Duration of Authority to Impose: April 1, 1995.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Project Approved: Expand existing terminal.

Decision Date: August 28, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. L.W. Walsh, Federal 3911 Hartzdale Drive, Suite 1, Camp Hill, Pennsylvania, 17011, (717) 782-4548.

Public Agency: The Pennsylvania State University and Centre County Airport Authority, State College, Pennsylvania..

Application Type: Impose and Use PFC Revenue.

PFC Level: \$3.00.

Total Approved Net PFC Revenue: \$1,495,974.

Earliest Permissible Charge Effective Date: November 1, 1992.

Duration of Authority to Impose: July 1, 1997.

Class of Air Carriers not Required to Collect PFC's: Air taxi and charter carriers.

Determination: Approved. The FAA has determined that each proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Project Approved: Terminal apron expansion,

Land acquisition,
Upgrade and renovate Taxiway B.

Signage update,
Emergency generator,
Obstruction removal and general
aviation ramp renovation.

Brief Description of Projects

Approved in Part: Terminal expansion—
phase I, Terminal expansion—phase II.

Brief Description of Projects

Withdrawn:

Stormwater management,
Runway extension,
Runway friction tester,
Runway condition sensors,
Maintenance building and grit storage,
Snow removal equipment—plow,
Aircraft rescue and firefighting vehicle,
Expand Taxiway B,
Recondition existing broom,
Master plan update,
Security control and access
improvements,
Automated weather observation
systems IV,
Land acquisition,
Snow removal equipment—blower,
Renovate runway lighting,
Terminal building expansion.

Determination: The University and
Authority withdrew these projects from
its application by letter to the FAA
dated August 3, 1992.

Decision Date: August 28, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. L.W. Walsh, Federal Aviation
Administration, Harrisburg Airports
District Office, 3911 Hartzdale Drive,
suite 1, Camp Hills, Pennsylvania, 17011,
(717) 782-4548.

Public Agency: Great Falls
International Airport Authority, Great
Falls, Montana.

Application Type: Impose and Use
PFC Revenue.

PFC Level: \$3.00.

Total Approved Net PFC Revenue:
\$3,010,900.

*Earliest Permissible Charge Effective
Date:* November 1, 1992.

Duration of Authority to Impose: July
1, 2002.

*Class of Air Carriers not Required to
Collect PFC's:* Air taxi and charter
carriers operating only as on demand
carriers which do not provide regularly
scheduled air transportation service.

Determination: Approved. The FAA
determined that the proposed class
accounts for less than 1 percent of the
airport's total annual enplanements.

*Brief Description of Project Approved
to Impose:* Airport fire station.

*Brief Description of Projects
Approved to Impose and Use:*

Taxiway between Taxiways Delta and
Foxtrot,
Airfield electrical system renovation,
Reconstruct Runway 16/34,
Resurface Runway 3/21,

Erosion control,
Land acquisition: Runway 21 protection
zone,
Security access system installation,
Phase 2 of perimeter road,
Master plan update.

Decision Date: August 28, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. Dave Gabbert, Manager, Montana
Airports District Office, Federal
Aviation Administration, Helena
Regional Airport, FAA Building, room 2,
Helena, Montana, 59601, (406) 449-5271.

Public Agency: Lee County Port
Authority (LCPA), Fort Myers, Florida.

Application Type: Impose and Use
PFC Revenue.

PFC Level: \$3.00.

Total Approved Net PFC Revenue:
\$257,673,262.

*Earliest Permissible Charge Effective
Date:* November 1, 1992.

Duration of Authority to Impose: June
1, 2015.

*Class of Air Carriers not Required to
Collect PFC's:* Air taxi/commercial
operators.

Determination: Approved. The
proposed class accounts for less than 1
percent of the airport's total annual
enplanements.

*Brief Description of Projects
Approved to Impose and Use at
Southwest Florida Regional Airport
(RSW):*

Landside: Modify and expand terminal,
Landside: Midfield terminal planning,
Landside: Professional services,
Land acquisition: Professional services,
Airport support: Master plan update,
Airport support: Noise study.

*Brief Description of Projects
Approved to Impose Only at RSW:*

Landside: Gate and related terminal
facilities.

Landside: Commuter terminal
facilities,

Airside: Runway 6/24 expansion,

Airside: Terminal ramp expansion,

Airside: Commuter aircraft ramp,

Land acquisition: Airfield and future
terminal, phase I.

*Brief Description of Project Approved
to Impose Only at a Proposed New
General Aviation Airport:* Land
acquisition: Master planning/site
selection.

*Brief Description of Projects
Approved in Part for Concurrent
Authority to Impose and Use at RSW:*

Airside: Professional services,
Airport support: Airport support
equipment,

Airport support: PFC general
formulation costs,

Airport support: 2010 "development of
regional impact" application,
PFC debt financing costs,

PFC debt service payments.

*Brief Description of Projects
Disapproved at RSW:* Landside: Project
work under contract, Airside: Project
work under contract.

Determination: While the LCPA was
asking for PFC revenue to be used to
fund only those costs incurred for these
projects since November 5, 1990, the
FAA has determined that if a notice to
proceed or start of physical construction
for a proposed PFC project occurred
prior to November 5, 1990, the project is
not eligible under § 158.3

Airport support: Wastewater
treatment and reuse.

Determination: The FAA has
determined that this project does not
preserve or enhance safety, security, or
capacity, mitigate noise impacts or
furnish opportunities for enhanced
competition between or among carriers.

Airport support: Maintenance building
expansion.

Determination: FAA has determined
that this project does not meet the
criteria included in § 158.15(b).

Airport support: Professional services.

Determination: FAA has determined
that this project does not meet the
allowable cost criteria in section 158.3.

Airport support: Development impact
fees.

Determination: FAA has determined
that fees would be used on non-eligible
Lee County infrastructure; therefore, this
project does not meet the requirements
of § 158.15(b).

*Brief Description of Project
Disapproved at Page Field:* Airport
support: Professional services.

Determination: The FAA does not
view these professional services as a
"project" under AIP definitions and are
not tied to any development projects
approved in this PFC application.

Decision Date: August 31, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. Bart Vernace, Federal Aviation
Administration, Orlando Airports
District Office, 9677 Tradeport Drive,
suite 130, Orlando, Florida, 32827, (305)
420-6582.

PFC Application Supplement Approved

Public Agency: Clark County
Department of Aviation, Las Vegas,
Nevada.

Application Type: Impose and Use
PFC Revenue.

*Total Net Approved PFC Revenue in
the Supplemental Record of Decision:*
\$189,836,000.

Duration of Authority to Impose:
September 1, 2014.

*Class of Air Carriers Not Required to
Collect PFC's:* Air taxi/commercial

operators as previously addressed in the decision dated February 24, 1992.

Brief Description of Projects Approved:

Airport connector—Tunnel portion,
Airport connector—Southern access roadway,

Airport connector—Paradise road portion,

Land acquisition: Airport connector—Southern access roadway right-of-way,

Decision Date: August 21, 1992.

FOR FURTHER INFORMATION CONTACT:
Joseph R. Rodriguez, Federal Aviation

Administration, San Francisco Airports District Office, 831 Mitten Road, room 210, Burlingame, California, 94010-1303, (415) 876-2805.

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

Leonard L. Griggs, Jr.,

Assistant Administrator for Airports.

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED

State, airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Alabama:					
Huntsville Intl-Carl T. Jones Field, Huntsville.....	03/06/1992	3	\$20,831,051	06/01/1992	11/01/2008
Muscle Shoals Regional, Muscle Shoals.....	02/18/1992	3	104,100	06/01/1992	02/01/1995
California:					
Metropolitan Oakland International, Oakland.....	06/26/1992	3	8,736,000	09/01/1992	09/01/1993
Palm Springs Regional, Palm Springs.....	06/25/1992	3	44,612,350	10/01/1992	06/01/2019
San Jose International, San Jose.....	06/11/1992	3	29,228,826	09/01/1992	08/01/1995
Lake Tahoe, South Lake Tahoe.....	05/01/1992	3	928,747	08/01/1992	03/01/1997
Colorado:					
Denver International (New) Denver.....	04/28/1992	3	2,330,734,321	07/01/1992	01/01/2026
Florida:					
Sarasota-Bradenton, Sarasota.....	06/29/1992	3	38,715,000	08/01/1992	09/01/2005
Georgia:					
Savannah International, Savannah.....	01/23/1992	3	39,501,502	07/01/1992	03/01/2004
Illinois:					
Greater Rockford, Rockford.....	07/24/1992	3	1,177,348	10/01/1992	10/01/1996
Capital, Springfield.....	03/27/1992	3	682,306	06/01/1992	05/01/1994
Massachusetts:					
Worcester Municipal, Worcester.....	07/28/1992	3	2,301,382	09/01/1992	10/01/1997
Maryland:					
Baltimore-Washington International, Baltimore.....	07/27/1992	3	141,866,000	10/01/1992	09/01/2002
Minnesota:					
Minneapolis-St Paul International, Minneapolis.....	03/31/1992	3	23,408,819	06/01/1992	04/01/1993
Mississippi:					
Golden Triangle Regional, Columbus.....	05/08/1992	3	1,693,211	08/01/1992	09/01/2006
Gulfport-Biloxi Regional, Gulfport-Biloxi.....	04/03/1992	3	384,028	07/01/1992	12/01/1993
Hattiesburg-Laurel Regional, Laurel-Hattiesburg.....	04/15/1992	3	119,153	07/01/1992	01/01/1998
Montana:					
Missoula International, Missoula.....	06/12/1992	3	1,900,000	09/01/1992	08/01/1997
New Jersey:					
Newark International, Newark.....	07/23/1992	3	84,600,000	10/01/1992	08/01/1995
Nevada:					
McCarran International, Las Vegas.....	02/24/1992	3	428,054,380	06/01/1992	02/01/2004
New York:					
Greater Buffalo International, Buffalo.....	05/29/1992	3	189,873,000	08/01/1992	03/01/2026
New York:					
John F. Kennedy International, New York.....	07/23/1992	3	109,980,000	10/01/1992	08/01/1995
LaGuardia, New York.....	07/23/1992	3	87,420,000	10/01/1992	08/01/1995
Ohio:					
Akron-Canton Regional, Akron.....	06/30/1992	3	3,594,000	09/01/1992	08/01/1996
Port Columbus International, Columbus.....	07/14/1992	3	7,341,707	10/01/1992	03/01/1994
Oklahoma:					
Lawton Municipal, Lawton.....	05/08/1992	2	334,078	08/01/1992	01/01/1996
Tulsa International, Tulsa.....	05/11/1992	3	8,450,000	08/01/1992	08/01/1994
Oregon:					
Portland International, Portland.....	04/08/1992	3	17,961,850	07/01/1992	07/01/1994
Pennsylvania:					
Erie International, Erie.....	07/21/1992	3	1,997,885	10/01/1992	06/01/1997
Philadelphia International, Philadelphia.....	06/29/1992	3	76,169,000	09/01/1992	07/01/1995
Tennessee:					
Memphis International, Memphis.....	05/28/1992	3	26,000,000	08/01/1992	12/01/1994
Virginia:					
Charlottesville-Albemarle, Charlottesville.....	06/11/1992	2	255,559	09/01/1992	11/01/1993

*The estimated charge expiration date is subject to change due to the rate of collection and actual allowable project costs.

[FR Doc. 92-23944 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Transit Administration**FTA Sections 3 and 9 Grant Obligations****AGENCY:** Federal Transit Administration (FTA), DOT.**ACTION:** Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1992, Public Law 102-143, signed into law by President George Bush on October 28, 1991, contained a provision requiring the Federal Transit Administration (FTA) to publish an announcement in the Federal Register every 30 days of grants

obligated pursuant to sections 3 and 9 of the Federal Transit Act, as amended.

The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT:

Janet Lynn Sahaj, Chief, Resource Management and State Programs Division, Office of Capital and Formula Assistance, Department of Transportation, Federal Transit Administration, Office of Grants Management, 400 Seventh Street, SW., room 9305, Washington, DC 20590, (202) 366-2053.

SUPPLEMENTARY INFORMATION: The Section 3 program provides capital

assistance to eligible recipients in three categories: Fixed guideway modernization, construction of new fixed guideway systems and extensions, and bus purchases and construction of bus related facilities. The Section 9 program apportions funds on a formula basis to provide capital and operating assistance in urbanized areas. Section 9 grants reported may include flexible funds transferred from the Federal Highway Administration to the FTA for use in transit projects in urbanized areas. These flexible funds are authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) to be used for highway or transit purposes. Pursuant to the statute FTA reports the following grant information.

SECTION 3 GRANTS

Transit property	Grant No.	Grant amount	Obligation date
Birmingham-Jefferson County Transit Authority, Birmingham, AL.....	AL-03-0012-00	\$2,899,200	08/03/92
Georgia Dept. of Transportation—Office of Intermodal Programs, Georgia.....	GA-03-0038-00	265,708	08/03/92
City and County of Honolulu, Honolulu, HI.....	HI-03-0014-01	20,925,000	08/31/92
Commuter Rail Division of the Regional Transportation Authority, Chicago, IL—Northwestern IN.....	IL-03-0131-02	18,362,500	08/05/92
Commuter Rail Division of the Regional Transportation Authority, Chicago, IL—Northwestern IN.....	IL-03-0162-00	16,185,500	08/05/92
City of Chicago, Chicago, IL—Northwestern IN.....	IL-03-0163-00	17,067,000	08/05/92
Metropolitan Transit Authority of Harris County, Houston, TX.....	TX-03-0150-00	6,400,000	08/14/92
Metropolitan Transit Authority of Harris County, Houston, TX.....	TX-03-3500-00	262,500	08/17/92

SECTION 9 GRANTS

Transit property	Grant No.	Grant amount	Obligation date
City of Fresno, Fresno, CA.....	CA-90-X485-00	\$1,837,777	08/20/92
Connecticut Department of Transportation, Connecticut.....	CT-90-X210-00	14,173,600	08/27/92
City of Tyler, Tyler, TX.....	TX-90-X228-00	181,200	08/27/92
Intercity Transit, Olympia, WA.....	WA-90-X130-00	1,479,840	08/13/92

Issued on: September 28, 1992.

Brian W. Clymer,
Administrator.

[FR Doc. 92-23879 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-57-M

Research and Special Programs Administration**[Docket No. P-87-7W; Notice 2]****Transportation of Hazardous Liquids By Pipeline; Grant of Waiver, Exxon Pipeline Co.**

The Exxon Pipeline Company (Exxon) petitioned the Research and Special Programs Administration (RSPA) for a waiver from compliance with the hydrostatic test requirements of 49 CFR 195.302 and the record retention requirements of 49 CFR 195.310. The

petition pertains to two tie-in segments (totaling 80-feet) in an 18.39 mile pipeline in Harris County, Texas. The 8-inch pipeline transports liquid ethylene, a highly volatile liquid (HVL), between the Shell Deer Park Plant, located south of the Houston Ship Channel, and the Exxon Mont Belvieu Plant, located north of the Houston Ship Channel. Construction of the pipeline was completed in 1969; it was placed in HVL service that same year, and is operated as an interstate pipeline connected to an out-of-state system. The pipeline is owned by Exxon, leased by Shell Chemical Company and operated by Shell Pipe Line Corporation.

In 1987, Exxon discovered that the hydrostatic test records required by § 195.310 were available for all but 0.08 percent of the 18.39 mile pipeline. Records for the 53-foot and 27-foot tie-ins, located just north and south of the

Houston Ship Channel, could not be located. Subsequently, Exxon petitioned RSPA for a waiver of the two short tie-in segments from the hydrostatic test and records retention requirements of §§ 195.302 and 195.310.

Accompanying Exxon's petition for waiver was information to support their position that granting a waiver would be in the best interest of pipeline safety. That information, presented in more detail in the RSPA response to Exxon's petition [Notice 1] [56 FR 46461; September 12, 1991], is summarized as:

1. The two segments are to continue operating at low hoop stress.
2. There are no indications of internal or external corrosion in the two segments.
3. The two segments are not near homes or occupied buildings.

4. No known failures have occurred in the two segments.

5. There is a strong probability that the two segments were properly pretested and that those test records cannot be located.

In response to the petition, and the justification contained therein, RSPA stated in Notice 1 (above) that it accepted the argument that the two segments were properly hydrostatically tested and found no need to grant the requested waiver from the hydrostatic testing requirements of § 192.302. Instead RSPA proposed to grant a waiver from compliance with the record retention requirements of § 195.310.

A supporting letter was received from the operator of the 8-inch pipeline at the time of submission of Exxon's request for waiver. Also, RSPA received only one response to Notice 1. That respondent, a gas pipeline company in Houston, Texas, agreed with the RSPA assessment and the proposed granting of the waiver.

In accordance with the foregoing, RSPA, by this order, finds that Exxon's compliance with § 195.310, for the two tie-ins, is unnecessary for the reasons stated in the Notice of Petition for Waiver [Notice 1] [56 FR 46461; September 12, 1991], and that the requested waiver would not be inconsistent with pipeline safety. Accordingly, the Exxon Pipeline Company's petition for waiver from compliance with § 195.310 for the two short tie-in segments is granted.

Authority: 49 App. U.S.C. 2002; and 49 CFR 1.53.

Issued in Washington, DC on September 28, 1992.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety
[FR Doc. 92-23828 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—
Public Debt Series—No. 30-92]

Treasury Notes, Series AE-1994

Washington, September 23, 1992.

The Secretary announced on September 22, 1992, that the interest rate on the notes designated Series AE-1994, described in Department Circular—Public Debt Series—No. 30-92 dated September 16, 1992, will be 4 percent.

Interest on the notes will be payable at the rate of 4 percent per annum.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 92-23888 Filed 10-1-92; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular; Public
Debt Series; No. 31-92]

Treasury Notes, Series R-1997

Washington, September 24, 1992.

The Secretary announced on September 23, 1992, that the interest rate on the notes designated Series R-1997, described in Department Circular—Public Debt Series—No. 31-92 dated September 16, 1992, will be 5½ percent. Interest on the notes will be payable at the rate of 5½ percent per annum.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 92-23906 Filed 10-1-92; 8:45am]

BILLING CODE 4810-40-M

Directive

Date: September 25, 1992.

Number: 15-11.

Subject: Approval of Regulations on Viticultural Areas.

1. *Delegation.* This directive authorizes the Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement) to approve regulations concerning the establishment of viticultural areas which are used as appellations of origin in wine labeling and advertising.

2. *Cancellation.* Treasury Directive 15-11, "Approval of Regulations on Viticultural Areas," dated September 29, 1986, is superseded.

3. *Authority.* Treasury Order 101-05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

4. *Office of Primary Interest.* Office of the Assistant Secretary (Enforcement).

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92-23945 Filed 10-1-92; 8:45 am]

BILLING CODE 3810-25-M

Office of Thrift Supervision

[AC-55; OTS No. 1708]

Midwest Federal Savings and Loan of Eastern Iowa, Burlington, Iowa; Approval of Conversion Application

Notice is hereby given that on September 24, 1992, the Assistant

Director for Supervisory Operations, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Midwest Federal Savings and Loan Association of Eastern Iowa, Burlington, Iowa, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, suite 600, Irving, Texas 75039.

Dated: September 28, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-23907 Filed 10-1-92; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES INFORMATION AGENCY

Performance Review Board Members

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: This notice is issued to revise the membership of the United States Information Agency (USIA) Performance Review Board.

DATES: The board membership change is effective as of October 2, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. John S. Welch (Co-Executive Secretary), Chief of Operations Division of Personnel, Office of Personnel, Bureau of Broadcasting, U.S. Information Agency, 330 Independence Avenue, SW., Washington, DC 20547. Telephone (202) 619-7545;

or

Ms. Patricia H. Noble (Co-Executive Secretary), Chief, Domestic Personnel Division, Office of Personnel, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547. Telephone (202) 619-4617.

SUPPLEMENTARY INFORMATION: In accordance with Section 4314(c)(1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95454), the following list supersedes the U.S. Information Agency Notice (56 FR 56688, November 6, 1991).

Chairperson: Associate Director for Management—John Condayan (Presidential Appointee)

Deputy Chairperson: Associate Director for Broadcasting—Chase G. Untermeyer (Presidential Appointee)

Career SES Members: Daniel S. Campbell, Director, Office of Technology, Bureau of Management. Alan L. Heil, Deputy Director of Programs, Bureau of Broadcasting. Ronald Linz, Deputy for Systems Engineering, Bureau of Broadcasting. Steven C. Munson, Director, Office of Policy, Bureau of Broadcasting. Rick A.

Ruth, Deputy Chief of Staff, Office of the Director. Stanley M. Silverman, Director, Office of the Comptroller.

Alternate Career SES Members: Eileen K. Binns, Director, Office of Administration, Bureau of Management. Janice H. Brambilla, Director, Office of Personnel, Bureau of Broadcasting.

This supersedes the previous U.S. Information Agency Notice (56 FR 56688, November 6, 1991).

Dated: September 28, 1992.

John Condeyan,

Associate Director for Management, U.S. Information Agency.

[FR Doc. 92-23969 Filed 10-1-92; 8:45 am]

BILLING CODE 4230-01-M

Sunshine Act Meetings

Federal Register

Vol. 57, No. 192

Friday October 2, 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).

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 28, 1992, 57 FR 44613.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 30, 1992 9:00 a.m.

CHANGE IN THE MEETING: The following Company has been added as Item No. 3 on the Closed Meeting Agenda Scheduled for September 30, 1992:

Item No., Docket No., and Company

(3) *Columbia Gas System, Inc., et al.*

Lois D. Cashell,
Secretary.

[FR Doc. 92-24139 Filed 9-30-92; 3:41 am]

BILLING CODE 6717-02-M

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: September 28, 1992, 57 FR 44613.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 30, 1992, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Items CAG-2 and CAG-28 on the Agenda scheduled for September 30, 1992:

Item No., Docket No., and Company

CAG-2 RS92-65-000, Kern River Gas Transmission Company

CAG-28 RP92-220-000 and 001, Tennessee Gas Pipeline Company

Lois D. Cashell,
Secretary.

[FR Doc. 92-2414 Filed 9-30-92; 3:41 pm]

BILLING CODE 6717-02-M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, October 8, 1992 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (ninth floor.)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Title 26 Certification Matters
Advisory Opinion 1992-36: Senator Kent Conrad

Announcement of Effective Date for Final Rule Regarding Special Fundraising Projects and Other Uses of Candidate Names by Unauthorized Committees
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Press Officer,
Telephone: (202) 219-4155.

Delores R. Hardy,
Administrative Assistant.

[FR Doc. 92-24118 Filed 9-30-92; 3:01 pm]

BILLING CODE 6715-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, October 7, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 30, 1992.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 92-24056 Filed 9-30-92; 2:35 pm]

BILLING CODE 6210-01-M

U.S. RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on October 8, 1992, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois.

60611. The agenda for this meeting follows:

- (1) Proposed Debt Collection Plan and Related Issues.
- (2) Executive Resources Board.
- (3) Medicare Contract and Related Items.
- (4) IRS Working Group Options.
- (5) Office of Quality and Compliance.
- (6) Requirements Document for Medical Evidence Development and Status of Policy.
- (7) Meeting with Department of Treasury.
- (8) San Francisco Regional Director's Vacancy.
- (9) Change-of-Station Moving Expenses (Boise, Idaho and Toledo, Ohio).
- (10) Request for Reconsideration of Temporary Quarters and Storage (Virginia Waller-Earl).
- (11) Regulations—Part 203, Employees Under the Act.
- (12) Regulations—Part 230, Reduction and Non-Payment of Annuities by Reason of Work.
- (13) Regulations—Parts 202 and 301, Employers Under the Railroad Retirement Act and Railroad Unemployment Insurance Act.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312-751-4920, FTS No. 386-4920.

Dated: September 29, 1992.

Beatrice Ezerski,
Secretary to the Board.

[FR Doc. 92-24119 Filed 9-30-92; 3:02 pm]

BILLING CODE 7905-01-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DATE AND TIME:

November 9, 1992, 1:00 p.m.–5:30 p.m.
November 10, 1992, 9:15 a.m.–2:00 p.m.

PLACE: District of Columbia Public Library, Martin Luther King Memorial Library, 901 G Street, N.W. (Room A-9), Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Executive Director's Report
International Activities Reports
Presentation, Dr. Hardy Franklin, Director
M.L. King Memorial Library
AMERICA 2000, Library Partnership
Community Learning and Information
Network
Report, Status of Publications:
WHCLIS Final Report
NREN

Library and Information Services for
Native Americans
NCLIS Committee Reports
NCLIS FY 1993 Meeting Schedule
Public Comment
Unfinished Business

FOR FURTHER INFORMATION CONTACT:
Barbara Whiteleather, NCLIS, Suite 310,
1111-18th Street, N.W., Washington,
D.C. 20036, (202) 254-3100.

Dated: September 28, 1992.

Peter R. Young,
NCLIS Executive Director.

[FR Doc. 92-24030 Filed 9-30-92; 10:37 am]

BILLING CODE 7527-01-M

Corrections

Federal Register

Vol. 57, No. 192

Friday, October 2, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-813]

Initiation of Antidumping Duty Investigation: Certain Alloy and Carbon Hot Rolled Bars, Rods and Semifinished Products of Special Bar Quality Engineered Steel From Brazil

Correction

In notice document 92-15738 beginning on page 29703 in the issue of Monday, July 6, 1992, on page 29704, in the first column, in the next to last full paragraph, in the last line, "16 percent" should read "61 percent".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-ASO-3]

Proposed Alteration of VOR Federal Airways and Revocation of V-515; TN

Correction

In proposed rule document 92-21093 beginning on page 40151 in the issue of Wednesday, September 2, 1992, make the following correction:

§ 71.1 [Corrected]

1. On page 40152, in the second column, under § 71.1, under V-136

[Revised], in the first line, after "INT" insert "Hinch".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 91-ANM-16]

Proposed Establishment and Alteration of Jet Routes

Correction

In proposed rule document 92-21097 beginning on page 40149 in the issue of Wednesday, September 2, 1992, make the following correction:

§ 71.1 [Corrected]

1. On page 40151, in the first column, under § 71.1, under J-154 [REVISED], in the fifth line, "131 T(122 M)" should read "133 T(122 M)".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-ASO-6]

Proposed Alteration to VOR Federal Airways; TN

Correction

In proposed rule document 92-21099 beginning on page 40154 in the issue of Wednesday, September 2, 1992, make the following correction:

§ 71.1 [Corrected]

1. On page 40156, in the first column, under § 71.1, under J-91 [Revised], in the first line, "252" should read "242".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application To Impose and Use the Revenue from a Passenger Facility Charge (PFC) at Grand Forks Mark Andrews International Airport, Grand Forks, ND

Correction

In notice document 92-22608 beginning on page 43281 in the issue of Friday, September 18, 1992, on page 43282, in the first column, under ADDRESSES, in the sixth line, "200" should read "2000".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8412]

RIN 1545-AM54

Application of Section 904 to Income Subject to Separate Limitations

Correction

In rule document 92-8497 beginning on page 20639 in the issue of Thursday, May 14, 1992, make the following corrections:

1. On page 20640, in the third column, in the second full paragraph, in the seventh line, "§ § 1.861-1T(d)" should read "§ § 1.861-11T(d)".

§ 1.904-4 [Corrected]

2. On page 20645, in the 2d column, in § 1.904-4(c)(1), in the 14th line, after "(10)" insert "of".

BILLING CODE 1505-01-D

**FRIDAY
OCTOBER 2, 1992**

**Friday
October 2, 1992**

Part II

**Department of
Transportation**

Coast Guard

**33 CFR Part 164 and 46 CFR Part 35
Unattended Machinery Spaces: Operating
Requirements; Second Officer on the
Bridge; and Use of Automatic Pilot: Area
Restrictions and Performance
Requirements; Proposed Rulemakings**

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 164****[CGD 91-203]****RIN 2115-AE12****Unattended Machinery Spaces:
Operating Requirements****AGENCY:** Coast Guard, DOT.**ACTION:** Supplemental notice of proposed rulemaking.

SUMMARY: On April 9, 1992, the Coast Guard published a notice of proposed rulemaking that would have allowed highly automated tank vessels to navigate with unattended machinery spaces in the navigable waters of the United States. This supplemental notice of proposed rulemaking completely revises the April 9 proposal by requiring the machinery spaces of integrated tug/barge combinations and tankers over 1,600 gross tons to be attended when underway in the navigable waters of the United States. Requiring a licensed engineer on watch in the machinery spaces will ensure that faults in the engineering systems will be noticed and addressed without delay. Consequently, this proposed rule should decrease the likelihood of casualties.

DATES: Comments must be received on or before December 1, 1992.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 91-203), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection and copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Paul Jewell, Project Manager, Oil Pollution Act (OPA 90) Staff, (202) 267-6746, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking

(CGD 91-203) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Paul Jewell, Project Manager, and Joan Tilghman, Project Counsel, OPA 90 staff.

Related Rulemakings

This rulemaking is a companion rulemaking to "Second Officer on the Bridge" (CGD 91-222) and "Use of Automatic Pilot: Area Restrictions and Performance Requirements" (CGD 91-204). Those proposed rules are published elsewhere in this issue of the Federal Register. If these three proposed rules are adopted, they will be combined in a new section, 33 CFR 164.13 "Navigation Underway: Tankers and ITBs." In this rulemaking, proposed paragraph (a) of new § 164.13 defines "tanker" as a self propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces, and "integrated tug barge" or "ITB" as a combination of a pushing vessel and a vessel being pushed ahead which are rigidly connected in a composite unit and are required by rule 24(b) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) (App. A to 33 CFR part 81) to exhibit the lights prescribed in rule 23 for a "Power Driven Vessel Underway." In this rulemaking (CGD 91-203), proposed paragraph (b) of new § 164.13 requires the machinery spaces of these vessels to be attended when underway in the navigable waters of the United States. In CGD 91-222, proposed paragraph (c), designates all internal waters of the United States as waters where seagoing tankers of 1,600 gross tons or more will be required to navigate with at least two licensed officers on the bridge. In CGD 91-204, proposed paragraphs (d) and (e) of new § 164.13

will establish restrictions and exemptions for the use of auto pilots in U.S. navigable waters.

Background and Purpose

Section 4114(a) of OPA 90 requires the Coast Guard to define the conditions under which, and designate the waters upon which, tank vessels subject to 46 U.S.C. 3703 may operate in U.S. navigable waters with an unattended engine room. A "tank vessel" to which 46 U.S.C. 3703 applies is defined in 46 U.S.C. 2101(39) as—

A vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (A) is a vessel of the United States;
- (B) operates on the navigable waters of the United States; or
- (C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

Section 4114(a) specifies that this rule apply only on the navigable waters of the United States. As defined in 33 U.S.C. 2701, navigable waters are the waters of the United States, including the territorial sea. This definition does not encompass the waters of the Exclusive Economic Zone (EEZ). Further, under 46 U.S.C. 3702 and 3703, foreign vessels on innocent passage on the navigable waters of the United States are exempt from rules issued under section 4114(a).

On April 9, 1992, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal Register (57 FR 12378) entitled "Unattended Machinery Spaces: Operating Requirements." In the NPRM the Coast Guard proposed to allow tank vessels with automated vital systems, possessing documents attesting to their suitability for operation with periodically unattended machinery spaces and meeting other conditions, to operate with unattended machinery spaces in the navigable waters of the United States. Almost all of the 159 comments objected to the NPRM. Although a public hearing was requested, one was not held because of the Coast Guard's decision to revise the proposed rule.

Discussion of Comments and Changes

Most of the comments had similar objections to the proposed rule. Generally, the comments stated that engineering systems are subject to the greatest stresses when the vessel is maneuvering in near shore waters, and consequently, these systems are most likely to malfunction when the vessel is maneuvering. An engineering casualty

on a tanker in near shore waters increases the risk that a spill will occur because these waters are generally shallow and congested, giving little time for vessel operators to address an error or emergency before the vessel is endangered. Many comments stated that even highly sophisticated automated systems are not likely to detect all engine faults in sufficient time for the engineer to correct the problem if the engineer is not immediately available to respond to the alarm.

A number of the comments cited occasions of engineering system failures when vessels were maneuvering in near shore waters. These comments noted that serious incidents were averted because the machinery spaces were manned during these incidents and because the engineer could quickly diagnose and correct these failures.

Most comments recommended that a tanker's machinery spaces be manned constantly when the vessel is in the navigable waters of the United States. Many comments expressed concern that the proposed rule would encourage shipping companies to reduce costs by pressuring masters to operate without a licensed engineer in the machinery spaces, resulting in an increased risk of vessel casualties and oil spills.

Several comments stated that tanker masters and chief engineers already ensure that the machinery spaces are manned when the vessel is underway in the navigable waters of the United States. These comments suggested that the Coast Guard codify this practice by requiring a licensed engineer to be on watch when a tanker is underway in the navigable waters of the United States.

After considering these comments, the Coast Guard decided to revise the original proposal. The public response to the NPRM indicates that even tankers certified to operate with periodically unattended machinery spaces normally operate with a licensed engineer monitoring the automated systems in the machinery spaces when the vessel is underway in the navigable waters of the United States. The good safety record of vessels certified to operate with periodically unattended machinery spaces may reflect this practice.

The Coast Guard sees merit in the points made by the comments and has determined that a more conservative approach than proposed in the NPRM would better serve the public interest. Therefore, the Coast Guard is now proposing that integrated tug and tank barge combinations certificated as tankships and tankers of 1,600 gross tons or more have a licensed engineer attending the machinery spaces when the vessel is underway in the navigable

waters of the United States out to 3 nautical miles seaward from the territorial sea baseline.

This approach is consistent with International Maritime Organization (IMO) guidance contained in Resolution 2 adopted by the International Conference on Training and Certification of Seafarers, 1978 (Operational Guidance for Engineer Officers in Charge of an Engineering Watch). Paragraph 22 of the Annex to the resolution discusses "Navigation in Congested Waters" and states:

The engineer officer in charge of the watch should ensure that all machinery involved with the maneuvering of the ship can immediately be placed in manual modes of operation when notified that the ship is in congested waters. * * * Emergency steering and other auxiliary equipment should be ready for immediate operation.

There were only a few comments that agreed with the NPRM, and most of those suggested eliminating the proposed requirement for a licensed engineer to continually attend the machinery spaces if an alarm condition had occurred within the previous 12 hours. The Coast Guard is revising this proposed rule to require that the machinery spaces be continually attended when in the navigable waters of the U.S., irrespective of any previous alarm condition. To permit the machinery spaces to be unattended when there has been a recent alarm condition would be contrary to the present proposal.

One comment recommended that the applicability of the proposed rule be made explicitly clear because a definition of a tank vessel is not included in 33 CFR part 164 where the Coast Guard proposed to codify this rule.

OPA 90 states that this rule should apply to tank vessels subject to 46 U.S.C. 3703. These "tank vessels" include self-propelled ships and barges. However, as a practical matter this rule should not apply to tank barges because tank barges have neither propulsion machinery nor a separate crew. The Coast Guard has also adopted the position that tank vessels that carry oil as a secondary cargo should not be subject to this rule because they do not pose the same threat to the environment as tank vessels designed to carry oil as a primary cargo. The Coast Guard is proposing to narrow the applicability of this rule to tankers of 1,600 gross tons and more and ITBs certificated as a tankship on its Certificate of Inspection. The Coast Guard is proposing that this rule should apply to ITBs certificated as a tankship because ITBs are navigated in the same manner as a tanker and

ITBs pose a threat to the environment similar to tankers.

Under 33 CFR part 164, vessels which are less than 1,600 gross tons are excluded from the Navigation Safety regulations of that part. The Coast Guard's position is that it is also appropriate to exempt vessels less than 1,600 gross tons from this rulemaking. These vessels pose less of a safety risk than larger tankers because they have shallow drafts and are more maneuverable than larger tankers. The size and maneuverability of vessels less than 1,600 gross tons allows them to avoid navigational hazards more easily than larger tankers.

The Coast Guard is also proposing that this rule apply when in the navigable waters of the U.S. out to 3 nautical miles seaward from the territorial sea baseline. The Coast Guard is proposing to limit this rule to within 3 nautical miles of the baseline to clearly specify where this rule will apply. Because the U.S. has declared that the territorial sea extends to 12 nautical miles for some purposes and 3 nautical miles for others, the specific language in this proposed rule should resolve any question mariners may have about the waters where the rule applies and limit its application to nearshore waters.

One comment stated that vessels on the St. Lawrence Seaway should not be excluded from this rule.

The St. Lawrence Seaway Authority has already promulgated separate regulations in 33 CFR 401.35 designating certain portions of the St. Lawrence Seaway where propulsion machinery, including the main engine control station, must be attended.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures for Simplification Analysis and Review of Regulations (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a separate full Regulatory Evaluation is unnecessary.

This rule will primarily affect tankers that are certificated to operate with periodically unattended machinery spaces. Tankers and ITBs must comply with this proposed rule only when the vessel is underway in the navigable waters of the United States out to 3 nautical miles seaward from the territorial sea baseline. During the course of a voyage, most tankers spend only a limited time in these waters. The comments received to the original

NPRM indicate the tanker masters already ensure that a licensed engineer is attending the machinery spaces when underway in the navigable waters of the United States. Consequently, their proposed rule would add no costs to the operation of most tankers.

The Coast Guard is aware of only one tanker certificated to operate with periodically unattended machinery spaces that does not leave the navigable waters of the United States. This tanker will be required to keep a licensed engineer on watch in the machinery spaces continually when underway. This tanker is already required by its certificate of inspection to operate with three licensed engineers. Consequently, this tanker already has a sufficient number of licensed engineers to comply with this rule without hiring additional personnel.

Similarly, there are seven U.S. flag ITBs certificated as tankships that may spend more time than tankers in the navigable waters of the U.S. out to 3 nautical miles. These vessels also are required to carry at least three licensed engineers and should be able to comply with this rule without hiring additional personnel.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). "Small entities" also include small not-for-profit organizations and small governmental jurisdictions. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This proposed

rulemaking prohibits the operation of tankers and affected ITBs in the navigable waters of the United States with unattended machinery spaces. It is a well settled principle that regulations concerning manning of commercial vessels in U.S. waters are an exclusive domain of the Coast Guard. Further, standardizing vessel manning requirements is necessary because vessels move from port to port in the national marketplace, and variation of manning requirements would be unreasonably burdensome. Therefore, if this rule becomes final, the Coast Guard intends it to preempt State action addressing the same subject matter.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not necessary. A preliminary Environmental Assessment is available in the docket for inspection or copying where indicated under "ADDRESSES."

This proposal is not expected to result in significant impact of the quality of the human environment, as defined by the National Environmental Policy Act. In evaluating the environmental impact of the proposed action, the following points were considered:

(1) Environmental benefits of requiring a licensed engineer in machinery spaces cannot be quantified in isolation, due to the complementary effects of other OPA 90-related regulatory changes. For example, regulations dealing with improved crew training, manning standards, vessel traffic control, and other OPA 90 initiatives should result in reduced casualties and reduced numbers and volumes of spills;

(2) The proposed action involves the navigable waters of the U.S. and should contribute toward the prevention of spills especially when vessels are maneuvering near shorelines and/or in congested waterways.

List of Subjects in 33 CFR Part 164

Incorporation by reference, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Seamen, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 is revised to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued

under 46 U.S.C. 8502, 8503; sec. 4114(a), Pub. L. 101-380, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

2. Section 164.13 is added to read as follows:

§ 164.13 Navigation underway: Tankers and ITBs.

(a) As used in this section—

Integrated tug barge or ITB means a combination of a pushing vessel and vessel being pushed ahead which are rigidly connected in a composite unit and are required by rule 24(b) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) (Appendix A to part 81 of this chapter) to exhibit the lights prescribed in rule 23 for a "Power Driven Vessel Underway."

Tanker means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

(b) All tankers, and ITBs certificated to operate as a tankship, underway in the navigable waters of the United States out to 3 nautical miles seaward from the territorial sea baseline, must have an adequate engineering watch, including a licensed engineer, physically present in the machinery spaces such that the watch is able to monitor the propulsion system, communicate with the bridge, and implement manual control measures immediately when necessary.

Dated: September 24, 1992.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 92-23737 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 164

[CGD 91-222]

RIN 2115-AE03

Second Officer on the Bridge

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Oil Pollution Act of 1990 (OPA 90) requires the Coast Guard To designate U.S. waters where a second licensed officer must be on the bridge of a coastwise seagoing tanker over 1,600 gross tons. Under the Ports and Waterways Safety Act, the Coast Guard also is proposing to require the second officer on foreign flag tankers over 1,600 gross tons and U.S. registered tankers over 1,600 gross tons. The majority of tanker casualties are a result of personnel error. This rule would increase protection for U.S. shores and

adjacent waters by ensuring that an officer other than the required pilot is available to minimize the risk of casualty in conditions that create a need for navigational care.

DATE: Comments must be received on or before December 1, 1992.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 91-222), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at Room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Paul Jewell, Project Manager, Oil Pollution Act (OPA 90) Staff, (202) 267-6746, between 7 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 91-222) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change the proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Paul Jewell, Project Manager, and Joan Tilghman, Project Counsel, OPA 90 Staff.

Related Rulemakings

This rulemaking is a companion rulemaking to "Unattended Machinery Spaces" (CGD 91-203) and "Use of Automatic Pilot: Area Restrictions and Performance Requirements" (CGD 91-204). Those proposed rules are published elsewhere in this issue of the Federal Register. If these three proposed rules are adopted, they will be combined in a new section, 33 CFR 164.13 "Navigation underway: Tankers and ITBs." In CGD 91-203, proposed paragraph (a) of new § 164.13 defines "tanker" as a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces, and "integrated tug barge" or "ITB" as a combination of a pushing vessel and a vessel being pushed ahead which are rigidly connected in a composite unit and are required by rule 24(b) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) (App. A to 33 CFR part 61) to exhibit the lights prescribed in rule 23 for a "Power Driven Vessel Underway." In CGD 91-203, proposed paragraph (b) of new § 164.13 requires the machinery spaces of these vessels to be attended when underway in the navigable waters of the United States. In this rulemaking (CGD 91-222), proposed paragraph (c), designates all internal waters of the United States as waters where seagoing tankers of 1,600 gross tons or more will be required to navigate with at least two licensed officers on the bridge. In CGD 91-204, proposed paragraphs (d) and (e) of new § 164.13 will establish restrictions and exemptions for the use of auto pilots in U.S. navigable waters.

Background and Purpose

To reduce the risk of a casualty, 46 U.S.C. 8502(h), as added by section 4116(b) of OPA 90, directs the Secretary to designate U.S. waters where a second officer must be on the bridge of coastwise seagoing tankers over 1,600 gross tons. Under the statute, the second licensed officer is in addition to a required Federal pilot.

The statutory second officer requirement applies to coastwise seagoing tankers over 1,600 gross tons. "Tanker" is defined in 46 U.S.C. 2101 as a "self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces." Tank barges are not included under section 4116(b) because they are not "self-propelled" vessels.

By framing the second officer requirement as an amendment to 46 U.S.C. 8502, Congress chose not to capture foreign flag tankers or U.S. tankers sailing on registry within the

scope of section 4116(b) of OPA 90. This may have been because most States already require those tankers to board a pilot in State pilotage waters. Further, 33 U.S.C. 1228 requires a vessel, while underway in U.S. navigable waters, to have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English. The effect of these two conditions would seem to be that a foreign flag tanker will have two licensed officers (a State pilot and an English-speaking officer) on the bridge while the vessel is transiting most internal waters of the United States. In practice, however, this may not be the case.

In fifteen States, a foreign flag or U.S. registered vessel is required only to pay a pilotage fee in the States' pilotage waters; there is no requirement that a State pilot actually board the vessel. On the other hand, coastwise seagoing vessels not sailing on register are required to carry a pilot whenever these vessels are in the navigable waters of the U.S.

If coastwise seagoing tankers were the only tankers subject to this second officer rule, differences in State and Federal rules would subject coastwise seagoing tankers to more stringent navigational requirements than foreign flag tankers, U.S. registered tankers, and U.S. tankers operating exclusively on the Great Lakes or on a Lakes, Bays, and Sounds route. More importantly, these disparate requirements mean that the marine environment is subject to a risk of casualty which Congress has found unacceptable for a class of vessels, (i.e., coastwise seagoing tankers), whose officers are more likely to be familiar with the waters being traversed than are the officers of foreign flag tankers or U.S. tankers sailing on registry.

Although the Coast Guard cannot apply a second officer rule to foreign flag tankers and U.S. tankers sailing on registry under 46 U.S.C. 8502, as amended, the Coast Guard is proposing to resolve the disparity under section 12 of the Ports and Waterways Safety Act (33 U.S.C. 1231). Therefore, under the authority of these two provisions, all seagoing tankers of 1,600 gross tons or more, when navigating in the internal waters of the United States, will be required to comply with the rule.

The Coast Guard does not intend to include tankers that operate solely on the Great Lakes or are limited to Lakes, Bays, and Sounds routes. These tankers (presently two on the Great Lakes and three in Long Island Sound) operate repeatedly on the same limited routes, and therefore their licensed deck officers are thoroughly familiar with the

routes they transit. In addition these tankers are small (from 1,698 gross tons to 5,853 gross tons), maneuverable, and have shallow drafts. Because they are small, they carry less cargo than larger ocean going tankers. Consequently, they are able to navigate the internal waters of the U.S. with less risk than the larger coastwise seagoing and international trade tankers. Requiring a second officer on the bridge of these vessels would have minimal impact on their safe operation and, because increased manning would be required whenever the vessels are underway, would have a disproportionate adverse effect on the cost of operating these vessels.

The Coast Guard considered a number of approaches to implement 46 U.S.C. 8502(h) as alternatives to the approach proposed. (To take no action would let stand a status quo which Congress has found unacceptable.) One was to require an officer in addition to the required Federal pilot on all U.S. coastwise seagoing tankers in all U.S. waters. Although this approach creates a single standard which would facilitate both enforcement and compliance, it subjects U.S. coastwise seagoing tankers to more stringent navigational requirements than foreign tankers or U.S. tankers sailing on registry.

Another approach was to delegate to District Commanders the authority to designate those areas in their District where a tanker subject to 46 U.S.C. 8502(h) must have a second officer. This approach recognizes that District Commanders have a special knowledge of ports and the surrounding environments in their district. On the other hand, it also creates a high potential for inconsistency from port to port, complicating both enforcement and compliance.

Discussion of Proposed Amendments

In this rulemaking, new paragraph (c) would designate all internal waters of the United States as waters where seagoing tankers of 1,600 gross tons or more will be required to navigate with at least two licensed officers on the bridge. Because part 164 only applies to vessels of 1,600 gross tons or more, specific language discussing the size applicability is not included in the new section.

Because internal waters are generally congested, shallow, and hazardous, vessels must take an extra measure of caution when navigating these waters. Most mariners and Coast Guard personnel know the location of "internal waters," which are defined in 33 CFR 2.05-20 as the waters shoreward of the territorial sea baseline. Consequently, this proposed rule should cause little or

no difficulty for those who must comply with or enforce the rule.

Not only does this proposal recognize that tankers over 1,600 gross tons must navigate in internal U.S. waters with an extra measure of caution; but it also gives mariners a rule that facilitates compliance, decreases the risk of tanker casualties in internal waters, and minimizes inconsistencies in rules governing foreign flag and U.S. tanker navigation safety.

The Coast Guard requests comments on this proposed rule, the merits of each approach presented in this notice, and is particularly interested in comments regarding the waters where this rule should apply.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation is unnecessary.

The overall potential benefit of these proposed rules is that they will provide increased protection from oil spills for U.S. shores and adjacent waters. The National Transportation Safety Board found that the T/V EXXON VALDEZ grounding was caused primarily by an error of the sole licensed deck officer on the navigational bridge. Coast Guard casualty data indicates that in 121 tank ship groundings or collisions which occurred in the internal waters of the U.S. in 1989 and 1990, personnel error was cited as the primary cause. For tankers, the additional precaution of a second licensed officer should reduce the risk of casualties caused by personnel error and, therefore, the occurrence of oil spills.

This approach requires tanker crews to provide increased protection for U.S. shores and adjacent waters. Requiring two licensed officers on the bridge of tankers reduces the likelihood that a serious navigational error will occur or go unnoticed.

The potential costs of these rules depend on the individual tanker's route. If every owner of a coastwise seagoing tanker over 1,600 gross tons finds it necessary to hire two additional third mates to comply with this rule, the approximate total annual cost would be about \$12.2 million (worst case). That total cost assumes an annual wage rate for a licensed third mate of \$42,000. However, the Coast Guard does not expect that a cost of this magnitude will be required. The actual cost of this rule

is expected to be less than \$1 million annually.

Tankers must comply with this rule only when the vessel is navigating in the internal waters of the United States. During the course of a voyage, seagoing tankers spend only a limited time in these internal waters—generally less than 4 hours. A review of the general orders issued by most tanker companies and interviews with licensed tanker officers reveal that a second licensed officer is on the bridge when the vessel is transiting most internal waters.

On voyages through Prince William Sound, Puget Sound, and the Chesapeake Bay, a second licensed officer will be required on the bridge for transits which may take up to 8 hours. However, a literature review and interviews with tanker officers indicate that without hiring additional personnel, U.S. tankers that routinely transit those areas sail with a sufficient number of licensed mates to comply with this rule. United States tanker owners may incur some overtime costs, but these costs should be minimal. The number of licensed crew members should be sufficient to avoid most overtime.

Foreign tanker crews already must have an English-speaking licensed deck officer on the bridge when in U.S. waters. When in most State pilotage waters, a foreign tanker also must navigate with a State pilot. Consequently, for foreign flag vessels, this rule may add costs only in internal waters that are not State pilotage waters (most notably the Strait of Juan de Fuca). In all but 15 States, foreign and U.S. registered tankers transiting State pilotage waters are required to carry a State pilot. In those 15 States, a tanker owner or operator must pay all, or a portion, of a pilotage fee irrespective of whether a pilot boards. In practice, virtually all of these tankers actually employ a pilot. Therefore, this rule should result in a minimal increase in costs to foreign and U.S. registered tankers.

The Coast Guard encourages public comment regarding any potential compliance cost which the Coast Guard has not anticipated.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of

the Small Business Act (15 U.S.C. 632). "Small entities" also include small not-for-profit organizations and small governmental jurisdictions. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This proposed rule would require a second licensed officer on the bridge of all seagoing tankers of 1,600 gross tons or more transiting the internal waters of the United States, irrespective of the vessel's flag status. Generally, for foreign flag vessels and United States vessels sailing on registry in U.S. internal waters, States set pilotage requirements, and the Federal government may act only when the State has not exercised its authority. Once a State establishes a pilotage requirement for foreign flag and U.S. vessels sailing on registry, any Federal pilotage requirement is terminated. This proposed rule does not alter the State-Federal relationship regarding pilotage requirements, and does not preempt the States authority to establish a requirement for a State pilot under 46 U.S.C. 8501.

For manning requirements other than pilotage, it is a well-settled principle that regulations concerning manning of U.S. commercial vessels are an exclusive domain of the Coast Guard. Further, standardizing vessel manning requirements is necessary because vessels move from port to port in the national marketplace, and variation of manning requirements would unreasonably burden vessel owners and operators. Therefore, if this rule becomes final, the Coast Guard intends it to preempt State action addressing the same subject matter.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not

necessary. An Environmental Assessment (EA) is available in the docket for inspection or copying where indicated under "ADDRESSES." The EA discusses the environmental consequences of the proposed actions and alternatives, including a no-action alternative. This proposed action is not expected to result in significant impact on the quality of the human environment, as defined by the National Environmental Policy Act.

List of Subjects in 33 CFR Part 164

Incorporation by reference, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Seamen, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 is revised to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502, 8503; sec. 4144(a), Pub. L. 101-360, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

2. In § 164.13, paragraph (c) is added to read as follows:

§ 164.13 Navigation underway: Tankers and ITBs.

* * * * *

(c) All tankers, when underway in the internal waters of the United States as defined in § 2.05-20 of this chapter, except those operating with a certificate of inspection endorsed only for Great Lakes service or only for Lakes, Bays, and Sounds service, must navigate with at least two licensed officers on the bridge. One of those licensed officers may be a Federal or State licensed pilot.

Dated: September 24, 1992.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 92-23736 Filed 10-1-92; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 164

46 CFR Part 35

[CGD 91-204]

RIN 2115-AE00

Use of Automatic Pilot: Area Restrictions and Performance Requirements

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On January 6, 1992, the Coast Guard published a notice of proposed rulemaking that would have allowed tank vessels to use automatic pilots in certain areas within the navigable waters of the U.S. provided that the automatic pilot met certain standards and that a qualified helmsman was present. This supplemental notice of proposed rulemaking revises the January 6 proposal by changing the applicability provisions, allowing highly sophisticated systems to be used in some areas, and deleting Regulated Navigation Areas from the list of Areas where automatic pilots must not be used. This proposed rule should promote the safe operation of tankers and integrated tug barge combinations in U.S. waters.

DATES: Comments must be received on or before December 1, 1992.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 91-204), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection and copying at room 3406, U.S. Coast Guard Headquarters. A copy of the material listed in "Incorporation by Reference" of this preamble is available for inspection at room B-615, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Paul Jewell, Project Manager, Oil Pollution Act (OPA 90) Staff, (202) 267-6746, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 91-204) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Paul Jewell, Project Manager, and Joan Tilghman, Project Counsel, OPA 90 staff.

Related Rulemakings

This rulemaking is a companion rulemaking to "Second Officer on the Bridge" (CGD 91-222) and "Unattended Machinery Spaces: Operating Requirements" (CGD 91-203). Those proposed rules are published elsewhere in this issue of the Federal Register. If these three proposed rules are adopted, they will be combined in a new section, 33 CFR 164.13 "Navigation underway: Tankers and ITBs." In CGD 91-203, proposed paragraph (a) of new § 164.13 defines "tanker" as a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces, and "integrated tug barge" or "ITB" as a combination of a pushing vessel and a vessel being pushed ahead which are rigidly connected in a composite unit and are required by rule 24(b) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) (App. A to 33 CFR part 81) to exhibit the lights prescribed in Rule 23 for a "Power Driven Vessel Underway." In CGD 91-203, proposed paragraph (b) of new § 164.13 requires the machinery spaces of these vessels to be attended when underway in the navigable waters of the United States. In CGD 91-222, proposed paragraph (c), designates all internal waters of the United States as waters where seagoing tankers of 1,600 gross tons or more will be required to navigate with at least two licensed officers on the bridge. In this rulemaking (CGD 91-204), proposed paragraphs (d) and (e) of new § 164.13 will establish restrictions and exemptions for the use of auto pilots in U.S. navigable waters.

Regulatory History

On January 6, 1992, the Coast Guard published a notice of proposed rulemaking (NPRM) in the Federal

Register (57 FR 514) entitled "Use of Automatic Pilot: Area Restrictions and Performance Standards." The Coast Guard received 25 letters commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

Section 4114(a) of OPA 90 requires the Coast Guard to define the conditions under which, and designate the waters upon which, tank vessels subject to 46 U.S.C. 3703 may operate in U.S. navigable waters with the automatic pilot (auto pilot) engaged. A "tank vessel" to which 46 U.S.C. 3703 applies is defined in 46 U.S.C. 2101(3) as—

A vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (A) is a vessel of the United States;
- (B) operates on the navigable waters of the United States; or
- (C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

Section 4114(a) specifies that this rule apply only on the navigable waters of the United States. As defined in 33 U.S.C. 2701, navigable waters are the waters of the United States, including the territorial sea. This definition does not encompass the waters of the Exclusive Economic Zone (EEZ). Further, under 46 U.S.C. 3702 and 3703, foreign vessels on innocent passage on the navigable waters of the United States are exempt from rules issued under section 4114(a).

In the NPRM published on January 6, the Coast Guard proposed that an auto pilot could be engaged in all U.S. waters except traffic separation schemes, regulated navigation areas, shipping safety fairways, anchorage areas, vessel traffic service areas, or any area within one-half nautical mile of any U.S. shore; that any auto pilot used must conform with the standards recommended by International Maritime Organization (IMO) Resolution A.342(IX) adopted on November 12, 1975; and that an able seaman or licensed deck officer be at the helm of a tank vessel in all U.S. waters when the auto pilot is engaged.

Discussion of Comments and Changes

A total of 25 comment letters were received. The comments generally addressed the applicability of the rule, the waters where the prohibition on the use of an auto pilot will apply, and integrated navigation systems.

Applicability

One comment indicated that this rulemaking should apply to vessels that carry hazardous material in bulk,

because these materials pose a greater threat than oil to public safety and the environment. The comment noted that placing this rule in 46 CFR subchapter D would inadvertently omit vessels carrying non-flammable hazardous material in bulk. The comment stated that 46 CFR subchapter D only applies to vessels carrying combustible or flammable liquids in bulk. Another comment letter noted the same omission and suggested that the Coast Guard also amend 46 CFR 30.01-5 to make it clear that foreign flag vessels fall under the proposed rule.

The Coast Guard proposes that this rule apply to all tankers 1,600 gross tons or more, irrespective of the vessel's flag or specific cargo. To eliminate any confusion about the applicability, the Coast Guard is proposing to include the rule as part of the navigation safety regulations in 33 CFR part 164 and define the vessels to which this rule applies.

Another comment suggested that the Coast Guard define "tank vessels" for this rulemaking to include only "self-propelled tankships greater than 1,600 gross tons." The comment letter stated that this definition would identify clearly the vessels targeted by this rule.

Under 46 CFR 30.10-87, a "tankship" means "any tank vessel propelled by power or sail." OPA 90 states that this rule should apply to tank vessels subject to 46 U.S.C. 3703. These "tank vessels" include self-propelled ships and barges. However, as a practical matter this rule should not apply to tank barges because they are not self propelled and they are not equipped with auto pilots. The Coast Guard has also adopted the position that tank vessels that carry oil as a secondary cargo should not be subject to this rule because they do not pose the same threat to the environment as tank vessels designed to carry oil as a primary cargo. The rule should more appropriately apply to "tankers" defined as "a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces." Therefore, the Coast Guard has added a provision in this supplemental notice to identify clearly the type of vessel subject to the proposed rule.

Under 33 CFR part 164, vessels that are less than 1,600 gross tons are excluded from the Navigation Safety regulations of that part. The Coast Guard's position is that it is also appropriate to exclude tankers less than 1,600 gross tons from this rulemaking. These vessels pose less of a safety risk than larger tankers because they have shallow drafts and are more

maneuverable than larger tankers. The size and maneuverability of vessels less than 1,600 gross tons allows them to avoid navigational hazards more easily than larger tankers.

One comment insisted that the Coast Guard had incorrectly interpreted section 4114(a) by failing to include vessels towing tank barges in the proposed rule. The comment stated that the rule should apply to these vessels because tank barges have the same potential to harm the environment as do other tank vessels. Another comment stated that the Coast Guard should specifically exempt vessels towing tank barges, because a vessel on auto pilot while towing a barge greatly reduces the risk of casualty. This comment stated that the auto pilot can maintain a straighter course than a helmsman, reducing the side-to-side movement of the two and giving the operator of the towing vessel better control of the tank barge.

The Coast Guard considered these comments and is proposing that this rule should also apply to towing vessels only when they are part of an integrated tug/barge (ITB) certificated as a tankship. An operator navigates these ITBs in the same manner as a tanker, and ITBs pose a threat to the environment similar to tankers.

The Coast Guard does not agree that this rule should extend to all towing vessels. External forces affect a towing vessel and its tow differently than they affect a tankship. Using an auto pilot may give the towing vessel operator better control of a barge.

Two comment letters suggested that this rule should apply to all vessels because any vessel using an auto pilot may be in an accident and may discharge oil into the water. The Coast Guard does not agree. OPA 90 specifies that this rule should apply only to tank vessels, and the Coast Guard has no casualty or other data that support extending the applicability to all other vessels. In fact, Coast Guard casualty data indicate that most vessel casualties result from personnel error rather than mechanical error. Using an auto pilot does not relieve the mariner of the duty to exercise navigational caution.

One comment did not agree that foreign vessels on innocent passage should be exempt from this rule. This comment stated that foreign vessels face the same navigational hazards as U.S. vessels and, therefore, should be subject to the same rules.

Section 4114(a) applies only to a vessel subject to 46 U.S.C. 3703. A foreign vessel on innocent passage is not subject to 46 U.S.C. 3703. A foreign vessel is on "innocent passage" when it

passes through another country's waters engaging only in activities having a direct bearing on passage. A foreign tanker entering U.S. waters to transfer "oil or hazardous material in a port or place subject to the jurisdiction of the United States" is not on innocent passage and, therefore, is subject to this rule.

Two comments understood the proposed rule to mean that the licensed deck officer navigating the tanker must be different from any licensed deck officer who may steer the vessel. These comments suggested that the Coast Guard revise the proposed rule to exempt tankers that normally operate with the licensed deck officer of the watch at the helm rather than a separate helmsman steering the vessel. The bridge configuration on these tankers is apparently similar to a towing vessel, which has only one steering station in the pilothouse. On vessels with this configuration, the licensed deck officer of the watch must steer, direct, and control the movement of the vessel. The comment letters stated that exempting these vessels from the rule is safer because allowing the licensed deck officer of the watch to steer reduces the likelihood that helm commands will be misunderstood. Further, if the rule is applied to tankers without a helmsman required by the Certificate of Inspection, operating costs for the owners of these tankers would increase because the owners would have to hire additional personnel to serve as dedicated helmsmen to comply with the rule. Consequently, the costs of imposing such a requirement would outweigh the benefits because the safety record of those kinds of tankers demonstrate that hiring additional personnel as helmsmen would be an unnecessary burden.

The Coast Guard does not intend to prohibit the licensed deck officer of the watch from steering a tanker when necessary. A licensed deck officer often steers a vessel when the vessel is docking or passing in a restricted channel. The intent of the proposed provision was to require a qualified individual to be at the helm in U.S. waters in case an immediate course change is required. Rather than exempting vessels that operate with the licensed deck officer of the watch as the helmsman, we have reorganized the section of the proposed rule requiring a qualified individual to be at the helm to clarify who is allowed to steer the vessel.

Although the Coast Guard recognizes the need for the licensed deck officer of the watch to steer a tanker on occasion, the Coast Guard is concerned that continuous manual steering by the

licensed deck officer of the watch may detract the licensed officer from other duties associated with safe navigation. In a separate rulemaking (CGD 91-222) to implement another provision of OPA 90, the Coast Guard is designating waters where a second licensed officer must be on the bridge of certain tankers to assist with navigating. Having two licensed deck officers on the bridge will ensure that when one officer is manually steering, another licensed deck officer will be available to assist with the navigation of the tanker.

One comment requested that the Coast Guard specifically state that "oil spill response vessels" (OSRVs) are excluded from the definition of "tank vessels." The comment rationalized that although OSRVs are constructed to carry oil, the oil carried is not cargo but incidental to an oil spill recovery operation. Consequently, these vessels are not "vessels * * * constructed or adapted to carry oil in bulk as cargo."

This rulemaking does not apply to OSRVs. The Coast Guard is proposing to limit this rule only to ITBs certificated as tankships and tankers 1,600 gross tons or more.

Waters Where Use of an Auto Pilot is Prohibited.

Two comments stated it is inappropriate to include Regulated Navigation Areas (RNAs) as areas where the auto pilot should be disengaged. The comments pointed out that there may not be a navigational circumstance in an RNA that would warrant the restriction on the use of the auto pilot, and the comments cited RNAs restricting navigation near ice bridges as an example of an RNA where application of the restriction would be unjustified.

The Coast Guard agrees that auto pilot restrictions may not be suitable in many RNAs. Consequently, the Coast Guard has deleted RNAs as areas where the use of auto pilots is restricted.

Six comments suggested that allowing tankers to navigate on auto pilot as close as one-half mile off shore was too permissive, with most of these comments suggesting that 3 miles was a more reasonable standard. Generally, these comments indicated that any tanker within one-half mile of shore would be unable to respond to an auto pilot failure in a timely manner.

Prohibiting the use of auto pilots within 3 miles of shore effectively prohibits the use of an auto pilot in most U.S. waters and is unwarranted. The Coast Guard has determined that this restriction is unnecessarily burdensome. An auto pilot, used in the proper

situations and with reasonable monitoring by the licensed deck officer of the watch, is a valuable navigation safety tool. However, there are areas where tankers should refrain from using an auto pilot, because rapid helm response may be necessary. The Coast Guard has identified these areas in the supplemental notice and included any area one-half mile from shore.

One comment suggested that the Coast Guard prohibit engaging an auto pilot within 3 miles of any shore, shoal, reef, or other navigational obstacle. The navigable waters of the U.S. only extend to 3 nautical miles from the territorial sea baseline. The Coast Guard cannot extend the applicability of this rule beyond these waters under section 4114(a) of OPA 90.

Another comment stated that setting operating restrictions based on "distance-from-shore criteria" was inappropriate because channel width, limiting draft, and other tanker maneuvering restrictions are more important.

The Coast Guard's intent in including the one-half mile from shore restriction was to ensure that tankers not operate in narrow rivers and confined ports while on auto pilot. A rule basing operating conditions on the draft of a vessel, channel width, and other maneuvering restrictions would make both compliance and enforcement difficult. Such a rule would be subject to continual variation and individual interpretation depending on vessel characteristics, tidal fluctuations, the natural shifting of channels, and other factors. The supplemental notice as constructed should ensure national consistency. The Coast Guard would be unable to maintain this consistency if it based operating restrictions on the factors suggested in the comment letter.

Integrated Navigation Systems

Six comments objected to the proposed rule stating that the approach proposed by the Coast Guard would increase the risk of casualty for tankers underway. Most of these comments noted that a modern auto pilot that is part of an integrated navigation system is far more capable and reliable than the older auto pilots described in the IMO standards. These comments gave a variety of reasons why operation with an auto pilot, particularly one that is part of an integrated navigation system, is far safer than operation with a helmsman and should be unregulated.

First, helmsmen are demonstrably more prone to error than are modern auto pilots. Second, restricting the use of auto pilots hinders the rapid technological development of integrated

navigation systems. In low visibility, auto pilots integrated with electronic charts and positioning systems can take a vessel through complex waterways more easily and safely than the deck watch officer and helmsman combination.

Third, using an auto pilot greatly reduces the opportunity for misunderstood commands between the deck officer of the watch and the helmsman and, consequently, aids the vessel's safer operation. Fourth, integrated navigation systems are better than manual vessel control for track-keeping accuracy and are more precise than manual steering in turning a vessel.

One comment stated that one European country requires vessels to use a certain type of automatic steering device when the vessel is transiting the Rhine River in fog.

The Coast Guard recognizes that integrated navigation systems may improve navigation safety. These modern devices have accuracies and capabilities that were unavailable in 1974 when the IMO developed Resolution A.342[LX], "Recommendations on Performance Standards for Automatic Pilots." Currently, the Coast Guard and the Maritime Administration are studying and testing these advanced systems. There is evidence that integrated navigation systems may be superior to helmsmen in many situations because these advanced systems are significantly less prone to mechanical malfunctions than helmsmen are prone to error. However, the Coast Guard also recognizes that although a modern auto pilot can maintain a straighter course than a helmsman and may be more dependable over longer distances, those advantages do not necessarily improve navigation safety in all situations. Despite how well an auto pilot can perform, it cannot anticipate an emergency situation or cope with a dilemma.

In the interest of reducing the risk of casualties involving tankers, the Coast Guard wants to encourage the use and further development of these systems. Consequently, the Coast Guard is proposing to exempt any tanker or ITB from some of the area restrictions in this supplemental notice if that tanker or ITB is equipped with an auto pilot that meets certain performance standards. To be exempt from some of the area restrictions, the tanker master must be able to provide, upon request, documentation that the vessel's integrated navigation system can maintain trackline steering with a cross track error of less than 10 meters; can provide accurate position data within 20

meters; and has an immediate override control. While any tanker is transiting the navigable waters of the United States with the integrated navigation system engaged, the Coast Guard will require that a qualified individual be available immediately to override the system and to take manual control of the vessel. This exemption will apply only to tankers in those portions of traffic separation schemes and shipping safety fairways that are in the navigable waters of the United States. Tankers in anchorage grounds or within one-half mile of any U.S. shore must be under manual control.

Other Comments

One comment stated that the Coast Guard cannot enforce this rule unless there is some way for an enforcement officer to observe compliance while that vessel is underway. The comment suggested that the Coast Guard require a vessel to have a bright flashing light immediately below the steaming light when the auto pilot is engaged.

The Coast Guard notes that mariners and tanker owners expose themselves to significant enforcement consequences and liability if a casualty investigation reveals that the vessel was operating in violation of this or any other rule. This potential exposure should provide ample incentive for mariners and tanker owners to comply with the rule. Further, installing a light would violate international agreements on vessel lighting, and it may actually increase the risk of vessel casualties because mariners expect a flashing light to indicate an aid to navigation. Therefore, such a light installed on a ship most likely would cause confusion.

The same comment also stated that the Coast Guard should require locating auto pilot controls where a helmsman can quickly disengage the auto pilot without leaving the helm or relying on another crewmember.

The IMO resolution on the performance standards for auto pilots, which the Coast Guard is incorporating by reference in the supplemental notice, states that "change-over controls should be located close to each other in the immediate vicinity of the main steering position." The Coast Guard's position is that any further regulation of the location of these controls is unnecessary.

One comment expressed the thought that the Coast Guard was requiring a tug escort for vessels operating with the auto pilot engaged. There is nothing in the proposed rule that requires a tanker with the auto pilot engaged to have a towing vessel escort. The Coast Guard

is developing towing escort regulations separately. (See "Escort Vessels for Certain Oil Tankers" NPRM (CGD 91-202), 57 FR 30058, July 7, 1992.) In the auto pilot NPRM, the Coast Guard did state that after designating areas where tankships must have towing vessel escorts, it may restrict the use of auto pilots on those tankships in the designated areas.

One comment letter noted that the conditions under which the auto pilot may be used are not specified in the proposed rule. This comment letter further questioned if the Coast Guard interprets 46 U.S.C. 8702(d) as prohibiting the use of auto pilot under certain conditions.

Previously, 46 CFR 35.20-45 required a tankship master to ensure that, when a vessel crewmember engaged an auto pilot in conditions of restricted visibility, high traffic density, or other hazardous navigational situations, it was possible to establish immediate control of the steering; a competent person was ready to take over the helm; and the changeover from one steering mode to the other was made under the supervision of the licensed deck officer of the watch. This supplemental notice requires more stringent precautions [i.e., a qualified helmsman is always at the helm, the auto pilot conforms to IMO standards, and the auto pilot is allowed to be used only in certain areas] under all conditions while the vessel is in the navigable waters of the United States.

The Coast Guard does not interpret 46 U.S.C. 8702(d) to prohibit the use of an auto pilot. Specifically, 46 U.S.C. 8702(d) states that "an individual having a rating of less than able seaman may not be permitted at the wheel in ports, harbors, and other waters subject to congested vessel traffic, or under conditions of reduced visibility, adverse weather, or other hazardous circumstances." This section prevents a trainee from steering a vessel during certain conditions and does not address or prohibit the use of an auto pilot under those conditions.

Two comments expressed opinions regarding what it means for an able seaman or licensed deck officer to be "present at the helm" in the context of the proposed rule. One of those comments stated that the qualified helmsman should be physically at the helm to change from automatic to manual steering in the shortest possible time. This comment noted that the Coast Guard should discourage the practice of having the helmsman engaged elsewhere on the vessel and reporting to the bridge only when summoned. The second comment noted that a requirement for off-course alarms

eliminates any need to have a helmsman physically at the helm and that the qualified helmsman should simply be in proximity to the helm at all times.

One of the purposes of this supplemental notice is to ensure that tankers and ITBs have a qualified individual immediately present to take manual control of the steering in an emergency. The Coast Guard agrees that a helmsman or licensed deck officer should be at the helm while a tanker or ITB is operating in the navigable waters of the United States. Having a qualified individual "in proximity of the helm" is ambiguous and may allow a liberal interpretation, which would defeat the purpose of the proposed rule. The Coast Guard has determined that to be "present at the helm," someone must be available immediately to override an auto pilot system while an auto pilot is used in the navigable waters of the United States.

The final comment objected to prohibiting the use of the auto pilot in traffic separation schemes and shipping safety fairways because many of these areas are many hours from the nearest port, and requiring manual steering in these areas will increase the fatigue of tanker crew members. This comment also expressed concerns that had been raised in other comments.

The supplemental notice applies only to tankers and ITBs in the navigable waters of the United States out to 3 nautical miles from the territorial sea baseline. The Coast Guard is proposing to limit the rule to within 3 nautical miles of the baseline to clearly specify where the rule will apply. Because the U.S. has declared that the territorial sea extends to 12 nautical miles for some purposes and 3 nautical miles for others, the specific language in this supplemental notice should resolve any question mariners may have about the waters where the proposed rule applies. Many traffic separation schemes and shipping safety fairways are not within the navigable waters of the United States. This supplemental notice does not prohibit tankers or ITBs from engaging the auto pilot when in traffic separation schemes or shipping safety fairways that are beyond the navigable waters of the United States.

The NPRM referred to "traffic separation schemes specified in 33 CFR part 167." There are also traffic separation schemes specified in 33 CFR part 161 that are part of Vessel Traffic Service (VTS) areas. The NPRM proposed to prohibit the use of auto pilots in the VTS areas, but it did not specifically refer to the traffic separation schemes in 33 CFR part 161. To clarify that auto pilots may not be

used in traffic separation schemes, the wording has been amended to include those parts of all traffic separation schemes in 33 CFR subchapter P (parts 160-167) which are in the navigable waters of the United States. The reference to Vessel Traffic Service areas will be deleted to eliminate duplication and confusion.

Incorporation by Reference

The following material would be incorporated by reference in § 164.03: IMO Resolution A.342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975. Copies of the material are available for inspection where indicated under "ADDRESSES." Copies of the material are available at the addresses in § 164.03.

Before publishing a final rule, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

Regulatory Evaluation

The Coast Guard has determined that this proposal is not major under Executive Order 12291. This proposal is not significant under the Department of Transportation Regulatory Policies and Procedures for Simplification Analysis and Review of Regulations (Order 2100.5) because its cost is expected to be minimal and it does not meet any of the criteria listed in paragraph 6(a)(2) of the Order. There will be no cost to vessel owners in complying with this rule because the proposal is permissive. Rather than requiring or prohibiting the use of auto pilot technology, the Coast Guard informs vessel owners or operators who choose this technology when their crews may employ it. The proposal neither requires equipment nor increases crew size. Consequently, this proposal will not result in annual costs of \$100 million; will have no significant adverse effects on competition, employment, or other aspects of the economy; and will not result in a major increase in costs and prices.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). "Small entities" also include small not-

for-profit organizations and small governmental jurisdictions. Because there are no new costs associated with implementing this rule, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Section 4114(a) of OPA 90 requires the Secretary to do a rulemaking to define the conditions under which, and designate the waters upon which, subject tank vessels can operate in the navigable waters of the U.S. with an auto pilot. A State regulation more permissive or more restrictive would conflict with the Federal requirements. Further, because vessels move from port to port in the national marketplace, a variation of auto pilot operating requirements would unreasonably burden vessel owners and operators. Therefore, if this rule becomes final, the Coast Guard intends it to preempt State action addressing the same subject matter.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an environmental impact statement is not necessary. A preliminary Environmental Assessment is available in the docket for inspection or copying where indicated under "ADDRESSES."

This proposal is not expected to result in significant impact of the quality of the human environment, as defined by the National Environmental Policy Act. In evaluating the environmental impact of the proposed action, the following points were considered:

(1) Environmental benefits of regulating the use of auto pilots cannot be quantified in isolation, due to the complementary effects of other OPA 90-related regulatory changes. For example, regulations dealing with improved crew training, manning standards, vessel traffic control, and other OPA 90 initiatives should result in reduced

casualties and reduced numbers and volumes of spills;

(2) The proposed action involves the navigable waters of the U.S. and should contribute toward the prevention of spills especially when vessels are maneuvering near shorelines and/or in congested waterways.

List of Subjects

33 CFR Part 164

Incorporation by reference, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Seamen, Security measures, Waterways.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 164 and 46 CFR part 35 as follows:

TITLE 33 CFR—[AMENDED]

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 is revised to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502, 8503; sec. 4114(a), Pub. L. 101-380, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

2. Section 164.03 is revised to read as follows:

§ 164.03 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the *Federal Register* and the material must be available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Marine Environmental Protection Division (G-MEP), room 2100, 2100 Second Street, SW., Washington, DC, 20593-0001 and is available from the sources identified in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

Radio Technical Commission for Maritime Services (RTCM)

P.O. Box 19087, Washington, DC 20036
Paper 12-78/DO-100, Minimum

Performance Standards, Loran C Receiving Equipment, 12/20/77.....164.41

International Maritime Organization (IMO)

4 Albert Embankment, London SE1 7SR, U.K.

IMO Resolution A.342(IX),
Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975..... 164.13

3. In § 164.13, paragraphs (d) and (e) are added to read as follows:

§ 164.13 Navigation underway: Tankers and ITBs.

* * * * *

(d) Except as provided in paragraph (e) of this section, a tanker of ITB certificated as a tankship, when underway in the navigable waters of the United States out to 3 nautical miles seaward from the territorial sea baseline, may engage the automatic pilot only if all of the following conditions exist:

(1) The operation and performance of the automatic pilot conforms with the standards recommended by the IMO in Resolution A.342(IX).

(2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(3) The vessel is not operating in any of the following—

(i) The areas of the traffic separation schemes specified in subchapter P of this chapter (parts 160-167);

(ii) Those portions of a shipping safety fairway specified in part 166 of this chapter.

(iii) An anchorage ground specified in part 110 of this chapter; or

(iv) An area within one-half nautical mile of any U.S. shore.

(e) A tanker or ITB certificated as a tankship equipped with an integrated navigation system, and complying with paragraph (d)(2) of this section, may engage that system while in the areas described in paragraph (d)(3) (i) or (ii) of this section. The master must be able to provide, upon request, documentation showing that the integrated navigation system—

(1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(2) Provides continuous position data accurate to within 20 meters 95 percent of the time; and

(3) Has an immediate override control.

TITLE 46 CFR—[AMENDED]

PART 35—OPERATIONS

4. The authority citation for part 35 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 35.20-45 [Removed]

5. Section 35.20-45 is removed.

Dated: September 24, 1992.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 92-23760 Filed 10-1-92; 8:45 am]

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Federal Register

Friday
October 2, 1992

Part III

**Federal Trade
Commission**

**16 CFR Part 4
Privacy Act; New Exempt System of
Records; Proposed Rule; Privacy Act of
1974; Publication of Systems of Records
and Proposed New Routine Uses; Notice**

FEDERAL TRADE COMMISSION

16 CFR Part 4

Privacy Act; New Exempt Systems of Records

AGENCY: Federal Trade Commission (FTC).

ACTION: Proposed Rule with request for Comments.

SUMMARY: The Federal Trade Commission proposes to amend its Privacy Act exemption rule, Rule 4.13(m), 16 CFR 4.13(m), by adding eight systems as exempt systems and deleting two systems no longer maintained by the Commission. The systems of records are exempt from certain Privacy Act provisions due to the investigatory nature of the records. This proposed rule amendment is required in order to invoke the relevant exemptions. The exemptions will relieve the Commission of certain restrictions, and, thereby, help ensure that the Commission may efficiently and effectively perform investigations and other authorized duties and activities.

EFFECTIVE DATE: Comments must be received on or before November 2, 1992. The proposed rule amendment will become effective upon its final publication in the *Federal Register*.

ADDRESSES: Forward, comments to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Comments will be placed on the public record of the Commission and made available for public inspection during regular Commission business hours.

FOR FURTHER INFORMATION CONTACT: Keith Golden, Information Management and Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-2410.

SUPPLEMENTARY INFORMATION: Elsewhere in today's *Federal Register*, the FTC is publishing a proposed system notice to establish new systems or records, delete obsolete systems of records, and revise existing systems of records under the Privacy Act, 5 U.S.C. 552a, as amended. The following proposed amendment of FTC Rule of Practice 4.13(m), 16 CFR 4.13(m), is necessary to exempt some of those systems of records from certain provisions of the Act. Those provisions require, among other things, that the agency provide notice when collecting information, account for certain disclosures, permit individuals access to their records, and allow them to request

that the records be amended. Those provisions would interfere with the conduct of Commission law enforcement activities if applied to the Commission's maintenance of the proposed systems of records.

A. Currently Identified Exempt Systems

The FTC had previously determined that several systems of records were exempt from those provisions of the Privacy Act. Those systems are identified in Rule 4.13(m), 16 CFR 4.13(m). The Commission has now determined that two of those systems are no longer maintained and, therefore, reference to them in Rule 4.13(m) is unnecessary. Those systems are "Litigation Information Management Systems for Investigations, Rulemaking, and Adjudicatory Proceedings—FTC" and "Preliminary Investigation Files—FTC." The FTC has further determined that systems "Investigational, Legal, and Public Records—FTC," "Disciplinary Action Investigatory File—FTC," and "Inspector General Investigative Files—FTC," which were also previously designated as exempt, should retain that designation.

B. New Exempt Systems

This proposal identifies eight other systems as exempt from the provisions of the Privacy Act. Seven of those systems are exempt under the provisions of Section (k)(2), and the remaining one is exempt under the provisions of Section (k)(5).

(1) Section (k)(2)

The seven systems the FTC proposes to make exempt are: "Clearance to Participate Applications and the Commission's Responses Thereto, and Related Documents—FTC," "Management Information System—FTC," "Office of the Secretary Control and Reporting System—FTC," "Stenographic Reporting Service Request System—FTC," "Freedom of Information Act Requests and Appeals—FTC," "Privacy Act Requests and Appeals—FTC," and "Information Retrieval and Indexing System—FTC."

Section (k)(2), 5 U.S.C. 552a(k)(2), exempts a system of records consisting of "investigatory materials compiled for law enforcement purposes," where such materials are not within the scope of the (j)(2) exemption pertaining to criminal law enforcement. The records maintained in those systems of records are investigatory records as described in Section (k)(2) of the Privacy Act. Information contained in those records relates to non-criminal law enforcement matters, such as information pertaining to the investigation of civil,

administrative, or regulatory violations and similar wrongdoing.

Access by subject individuals, among others, to those systems of records, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the law enforcement activities. When the investigations are in the "nonpublic" stage, knowledge of such investigations could enable individuals to take action to prevent detection of unlawful activities, conceal or destroy evidence, or escape prosecution. Disclosure of this information could lead to the intimidation of, or other interference with, informants, witnesses, and their families, and could jeopardize the safety and well-being of investigative and related personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified or retained would significantly impede the effectiveness of the investigatory activities and, in addition, could preclude the apprehension and successful prosecution or discipline of persons engaged in illegal activity.

(2) Section (k)(5)

A system may be designated as exempt under Section (k)(5) if the records are compiled to determine suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only where disclosure would reveal the identity of a confidential source of information. 5 U.S.C. 552a(k)(5). The "Personnel Security File—FTC" contains such information, and the Commission proposes that that system of records be designated as exempt under that provision.

For these reasons, the FTC proposes to exempt the proposed systems of records under exemptions (k)(2) or (k)(5) of the Privacy Act by amending 16 CFR 4.13(m), in which the FTC specifies its systems of records that are exempt under the Privacy Act.

(3) Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act at 5 U.S.C. 605(b), the FTC certifies that the proposed rule amendment will not, if adopted, have a significant impact on a substantial number of small entities, because the Privacy Act applies only to "individuals," and individuals are not "small entities" within the meaning of the Regulatory Flexibility Act.

(4) Executive Order No. 12291

The Commission further certifies that the rule amendment has been reviewed under Executive Order No. 12291, and has been determined not to be a "major rule," since it will not have an annual effect on the economy of \$100 million or more, result in major cost increases or prices, or have significant adverse effects on competition or otherwise.

List of Subjects in 16 CFR Part 4

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

In consideration of the foregoing, the FTC proposes to amend title 16, chapter I, subchapter A of the Code of Federal Regulations, as follows:

PART 4—MISCELLANEOUS RULES

1. The authority for part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46.

2. Section 4.13 is amended by revising paragraph (m) to read as follows:

§ 4.13 Privacy Act Rules.

* * * * *

(m) *Specific exemptions.* (1) Pursuant to 5 U.S.C. 552a(j)(2), investigatory

materials maintained by an agency component in connection with any activity relating to criminal law enforcement in the following systems of records are exempt from all subsections of 5 U.S.C. 552a, except (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i), and from the provisions of this section, except as otherwise provided in 5 U.S.C. 552a(j)(2):

Office of Inspector General Investigative Files—FTC

(2) Pursuant to 5 U.S.C. 552a(k)(2), investigatory materials compiled for law enforcement purposes in the following systems of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a, and from the provisions of this section, except as otherwise provided in 552a(k)(2):

Investigational, Legal, and Public Records—FTC

Disciplinary Action Investigatory Files—FTC
Clearance to Participate Applications and the Commission's Responses Thereto, and Related Documents—FTC

Management Information System—FTC
Office of the Secretary Control and Reporting System—FTC

Office of Inspector General Investigative Files—FTC

Stenographic Reporting Service Requests—FTC

Freedom of Information Act Requests and Appeals—FTC

Privacy Act Requests and Appeals—FTC
Information Retrieval and Indexing System—FTC

(3) Pursuant to 5 U.S.C. 552a(k)(5), investigatory materials compiled to determine suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only where disclosure would reveal the identity of a confidential source of information, in the following systems of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a, and from the provisions of this section, except as otherwise provided in 5 U.S.C. 552a(k)(5):

Personnel Security File—FTC

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-23612 Filed 10-1-92; 8:45 am]

BILLING CODE 6750-01

FEDERAL TRADE COMMISSION**Privacy Act of 1974; Publication of Systems of Records and Proposed New Routine Uses**

AGENCY: Federal Trade Commission (FTC).

ACTION: Advance notice with request for comments; publication of proposed system notice for new systems, altered systems, and deleted systems.

SUMMARY: The Federal Trade Commission is proposing to revise its Privacy Act Systems of Records Notice, which was last published in complete form in 1982. This proposal provides an up-to-date, complete text of the Commission's notices of its system of records; proposes the establishment of fourteen new systems of records; and proposes new routine uses for all of the Commission's systems. The revisions also reflect system name changes, number redesignation, and other editorial changes. The publication of this proposed systems notice is one of the steps required to establish new and revise existing systems of records. The addition of the new systems and revisions to the existing systems will permit the FTC to accomplish its law enforcement, managerial, and other responsibilities more efficiently and effectively.

Reports required under Section (o) of the Privacy Act, 5 U.S.C. 552a(o), have been submitted to both Houses of Congress and to the Office of Management and Budget.

DATES: Comments must be received on or before November 2, 1992. Unless changes are made in response to comments received from the public, this action is effective upon final publication of the amendment of FTC Rule of Practice 4.13(m); the amendment is set forth in proposed form elsewhere in today's issue of the **Federal Register**.

ADDRESSES: Forward comments to the Office of the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580. Comments will be placed on the public record and made available for inspection during regular Commission business hours.

FOR FURTHER INFORMATION CONTACT: Keith Golden, Information Management and Dissemination Division, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580 (202-326-2410).

SUPPLEMENTARY INFORMATION: The Federal Trade Commission last published a complete listing of systems notice on July 28, 1982. 47 FR 32622

(1982). The Commission now proposes a new notice that: (1) Reorganizes the notice to present the information to the public in a structure that is easier to understand and use; (2) consolidates systems that are no longer maintained separately; (3) deletes obsolete systems; (4) adds new systems that were not previously identified; (5) revises and updates the descriptions of existing systems; and (6) makes appropriate systems exempt from the Act's disclosure requirements. As a result of these changes, the Commission's proposed notice contains 36 separate systems of records.

I. Reorganization of the Systems Notice

When the Commission first published its system notice, the individual systems were assigned numbers based upon placement of the systems within an alphabetical listing of the titles of the systems. However, over the life of the notice, systems have been added, deleted, and renamed. As a result, it may be difficult for the public to locate systems that may contain records to which they may have access. The Commission addressed that issue in the 1982 notice by including an index of the systems. The Commission has now reorganized the notice and collected systems into seven major groups, each of which contains systems that are similar in subject matter and content. Those seven groups of systems contain the following categories of records: Law Enforcement; Personnel; Financial; Correspondence, Access Request; Mailing List; and Miscellaneous. The systems also have been renumbered using a two-part numbering system that will allow systems to be added or renamed within each group in the future.

II. Consolidation of Systems of Records

Since 1982 records storage and maintenance procedures related to several systems have changed and now those systems are not truly separate collections of records. Several existing systems related to the Commission's law enforcement records, personnel records, correspondence records, and mailing lists have been consolidated where the structure and content of the systems are compatible.

A. Law Enforcement Records

The Commission no longer maintains separate records for four categories of records. All records in "33-Preliminary Investigatory Files," and "53-Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing List" have either been destroyed in keeping with our records disposition schedules or incorporated into other law

enforcement files that are part of the primary law enforcement system of records. Two other systems, "18-Consumer Redress Lists-Enforcement Division" and "19-Correspondence with Enforcement Division—BCP Concerning Parties Subject to Commission Orders," are both directly related to the primary law enforcement system of records, and the records in those systems cannot be retrieved without first identifying the matter number associated with the records of the primary system. Therefore, all of those law enforcement records are now covered by the primary law enforcement system of records, "I-1 Investigational, Legal, and Public Records—FTC."

B. Personnel Records

Two systems, "9-Consultant Files-Division of Advertising Practices—BCP" and "30-Consultant Files—BC," were maintained by individual organizations within the Commission. Those systems contained only copies of records related to consultants. The original records are located in the "General Personnel Records" system. Since no unique records are maintained outside of that primary system, all of the duplicate records in those two systems of records are truly part of system "II-2 Unofficial Personnel Records—FTC," which is designed to cover such unofficial records maintained by individual Commission organizations.

C. Correspondence Records

All of the Commission's organizations that had separate systems of records containing consumer complaint and other correspondence now use a centralized automated information system to record the receipt and handling of those letters. Therefore, the ten separate systems containing consumer correspondence that were identified in 1982 have been consolidated into one system. Records in systems 2, 7, 8, 10, 11, 12, 13, 14, 16, and 25 are now covered by system "IV-1, Correspondence Control System—FTC."

D. Mailing Lists

Five separate systems containing lists of parties who receive information from the Commission have been combined. All of the records in those systems are similar and are used to inform the public of Commission proposals and actions. Therefore, they are effectively one system rather than separate, individual systems. The "mailing list" systems, which include "17-Consumer Mailing List-Los Angeles Regional Office," "34-Public Contact Report System-Atlanta

Regional Office," "35-Public Information Mailing List" "36-Public Information Mailing List-Boston Regional Office," and "55-Consumer Education Mailing List-BCP," are all now represented by system "VI-1 Mailing Lists-FTC."

III. Deletion of Obsolete Systems of Records

Records that were covered by four systems of records are no longer maintained and those systems have been deleted from the new notice. The four systems that have been deleted include: "15-Application for Reimbursement for Participation in Rulemaking Proceedings," "24-Financial Statements of Commissioners Elect," "27-Assignment Control System-BCP," "37-Individual Claims Submitted Pursuant to Consent Agreement in *Bachman v. Miller*, CA No. 76-0079 (D.D.C. 1976)."

IV. Addition of New Systems of Records

Fourteen systems of records, which are briefly described below, are being added to the Commission's systems notice. Each of those systems contains routine uses based on the reasons for which the records are collected and maintained. The precise characteristics and routine uses are outlined in the complete system notice.

The systems that are being added include:

A. I-5 Management Information System

The Management Information System is an automated information system containing summary records identifying the plans, accomplishments, and actions taken related to the law enforcement and administrative work of the agency. Parties covered by the system are individuals, when not acting in a business capacity, who participate in those proceedings and individuals who, at the time the records are added to the system, are Commission employees. The records are primarily used by FTC employees and managers to make workload and budget determinations and personnel related evaluations; used by FTC staff in all types of proceedings involving the Commission; made available to other law enforcement agencies for official use; and some information in the system is made available to the public. This system is exempt from the disclosure provisions of the Privacy Act under Section (k)(2).

B. I-6 Office of the Secretary Control and Reporting System-FTC

This is an automated information system that supplements the records contained in system "I-1 Management Information System-FTC." However,

the records in this system relate to issues and matters that are actually presented to the Commissioners for review or information. The records in the system and the routine uses of those records are similar to the Management Information System. The system is also exempt from the disclosure and reporting requirements under Section (k)(2) of the Privacy Act.

C. I-8 Stenographic Reporting Services Requests

Individuals who, at the time the records are added to the system, are Commission employees and who request stenographic reporting services and individuals who are deposed or provide testimony at hearings are covered by this system. The records are used to identify and track the expenditure of funds of stenographic reporting services. Since virtually all of the records relate directly to law enforcement activities of the Commission, this system is exempt from disclosure and reporting requirements under Section (k)(2) of the Privacy Act.

D. II-3 Worker's Compensation

Commission employees who sustain work related injuries or occupational diseases are covered by this system, when they file under the Worker's Compensation program. Records describing the application, circumstances surrounding the application, and outcome of the matter are contained in the system. The records are primarily used to respond to inquiries about compensation claims from the Department of Labor, supervisors, and employees.

E. II-10 Employee Medical File

Medical reports, opinions, evaluation and treatment information, and records resulting from testing for use of illegal drugs may be contained in this system of records. Those records relate to individuals who, at the time the records are added to the system, are Commission employees. The records are used to assist other agencies when necessary to adjudicate a claim under a retirement, insurance, or health benefit program; to comply with laws governing reporting of communicable diseases; and other related uses.

F. II-11 Personnel Security File

These records are maintained to document personnel security investigations. The records in the system, which cover individuals who, at the time the records are added to the system, are Commission employees, include reports, position sensitivity designation files, and related records.

The records are used primarily to assist other agencies conducting a security or suitability investigation. This system is exempt from the disclosure provisions of the Privacy Act under section (k)(5).

G. II-12 Training Reservation System

The records in this system are collected to assist the Commission in designing and offering appropriate training to Commission employees and to record the training sessions attended by individual employees. The individuals covered by the system include individuals who, at the time the records are added to the system, are Commission employees.

H. V-3 Public Information Requests System

This automated information system is used to respond to requests from members of the public for copies of publications and documents that the Commission has previously made available for public dissemination. The system records the identity of the requester, the publication(s) provided, and the identity of the staff person who filled the request.

I. VII-3 Computer System User Identification

This is an administrative collection of records used to monitor and manage the use of Commission computer systems. The individuals covered include individuals who, at the time the records are added to the system, are Commission employees and others who use the Commission's central computer facilities. The records contained in the system include the information systems to which the person has access, the systems and services used, amount of time spent using each system or function, number of usage sessions, and cost of such usage. The records are used by managers to plan for and operate automated systems efficiently, control costs of information system usage, prepare budget requests, and identify and conduct training programs.

J. VII-4 Standard Name System

This is an automated information system with the sole purpose of coding the identity of parties who interact with the Commission. The coded identity, rather than the party's complete name, is then recorded in the Commission's other automated information systems. The parties covered by the system are individuals, when not acting in a business capacity, who interact with the Commission.

K. VII-5 Property Management System

This is an automated information system used to control physical property of the Federal Trade Commission. The records relate to individuals who, at the time the records are added to the system, are Commission employees and include such information as identification of property assigned to the individual and information related to the use and maintenance of that equipment.

L. VII-6 Information Retrieval and Indexing System

This information system is used as a basic research tool by Commission staff, and to a limited extent by the public. Information about certain individual documents collected by, generated by, or submitted to the Commission are recorded in an automated system and copies of those documents may be stored on paper, microfiche, or in an electronic or optical medium. The records are indexed by the author of each document and those authors are the individuals covered by this system. In addition, those documents stored in an electronic medium are retrievable by the use of any word, including an individual's name that is found in the text of the document. When the original document has been made part of the public record of the Commission, the copy that is available through this system may be provided to the public. However, the nonpublic documents usually relate to law enforcement matters. Therefore, the system is exempt under the provisions of Privacy Act Section (k)(2).

M. VII-7 Service Order System

Requests for assistance and service related to the Commission's hardware and software, as well as the resolution of those requests, are recorded in this automated information system. The records are used to monitor the quality of service provided and the maintenance records of equipment. The individuals covered by the system include individuals who, at the time the records are added to the system, are Commission employees.

N. VII-8 Service Call System

The records in this automated information system indicate the requests for building maintenance and other administrative support services and the resolution of those requests. The records provide information to Commission management indicating the volume of such requests and the quality of the service provided. The individuals covered by the system include individuals who, at the time the records

are added to the system, are Commission employees.

V. Revisions to Existing Systems of Records

The Commission has identified several additional routine uses that are applicable to each of its existing systems of records. The Commission may have need to refer documents to the Department of Justice when the Commission or an employee of the Commission is party to litigation and use of the records by the Department of Justice is necessary to the successful conduct of that litigation. Similarly, the Commission may need or be required to submit records to a court in relation to litigation or may be required to turn over records to a grand jury in response to a valid order of a court. In addition, it may be necessary to disclose records to the National Archives and Records Administration for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. The fifth routine use is disclosure to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19. A record, which is primarily part of one of the Commission's systems of records, may be incorporated into the file related to a discrimination complaint. A routine use for that incorporation and for the routine uses associated with the discrimination complaint system of records is needed. Finally, records in a system may be used in a proceeding designed to collect debts owed to the Government and disclosure to a debt collection contractor for that purpose may be appropriate. These routine uses reflect routine administrative, law enforcement, and recordkeeping requirements that other agencies have recognized as necessary to effective operation of the agency. Since each of those routine uses applies to each of the Commission's systems of records, the Commission has determined to reduce the repetitive restatement of those uses in the description of each system. Appendix I of this notice lists in detail the routine uses that apply to all of the systems, and each individual system refers to that appendix.

In addition to those routine uses, on individual systems the Commission has added categories of records and individuals covered by the systems and additional routine uses, where appropriate. Each of those revisions to existing systems is briefly outlined below and precisely described in the system notice.

A. I-1 Investigational, Legal, and Public Records—FTC

(Previously System Number 28)

Individuals who may receive redress as a result of a proceeding with records contained in the system have been added to the categories of individuals covered by the system. The record retention description has been modified to indicate documents may be returned to the submitter or destroyed upon closing of the matter.

B. I-4 Clearance To Participate Applications and the Commission's Responses Thereto—FTC

(Previously System Number 46 Applications for Clearance to Participate, Responses Thereto, and Related Documents)

Documents collected and generated during the course of considering the applications have been added to the categories of records covered by the system. Routine uses have been added to reflect that the application and the Commission's response may be made part of the Commission's public record. However, because some of the applications relate to participation in law enforcement matters, the system has been designated as exempt under Privacy Act Section (k)(2).

C. II-1 General Personnel Records—FTC

(Previously System Number 23 Applicant Files and General Personnel Records [Official Personnel Folder and Records Related Thereto]; Duplicate Personnel Files and Automated Records—FTC)

The following routine uses of the records in this system have been added: (1) Disclosure to educational institutions on appointment of a recent graduate to a position in the federal service; (2) disclosure to a federal, state, or local agency for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs; (3) consideration of recognition of employees through quality step increases, incentive awards, and other honors and publication of those granted; (4) disclosure to a person responsible for the care of an individual who is mentally incompetent or under other legal disability, to the extent necessary to assure payment of benefits to which the individual is entitled; and (5) disclosure of the home address or other relevant information on individuals who, it is reasonably believed, might have contracted an illness, been

exposed to, or suffered from a health hazard while employed in the federal work force.

D. II-2 Unofficial Personnel Records—FTC

(Previously System Number 41)

Individuals who, at the time the records are added to the system, are consultants, contractors, and job applicants have been added to the individuals covered by this system because agency supervisors and managers retain records related to the performance of those consultants and contractors and retain records about applicants during the interview, evaluation, and selection process.

E. II-4 Counseling Records—FTC

(Previous System Number 21)

The description of the records contained in this system has been revised to reflect that it now includes records related to "labor relations" issues. Routine uses have been added to indicate that the records may be referred to the labor organization representing Commission employees and to the Federal Labor Relations Authority.

F. II-7 Statement of Employment and Financial Interest—FTC

(Previously System Number 40)

A routine use has been added to reflect that records may be released to others to obtain information in an investigation.

G. III-3 Financial Management System—FTC

(Previous System Number 23)

The category of individuals covered by the system has been revised to include non-FTC employees who are reimbursed for expenses. This system was previously identified as exempt under the provisions of Section (k)(2). However, the Commission has determined to withdraw that exemption.

H. IV-1 Correspondence Control System—FTC

(Previous System Number 02)

The only other substantive change to this system is the addition of a routine use indicating that records from this system may be incorporated into the Commission's primary investigatory system of records, "I-1 Investigational, Legal, and Public Records—FTC."

I. V-1 Freedom of Information Act Requests and Appeals From Other Than Government Agencies and the Commission's Response, Thereto—FTC

(Previously System Number 49)

Documents generated or collected to respond to the request have been added to the categories of records covered by the system. Because the records that are collected and generated during the consideration given to the request often relate to the law enforcement programs of the Commission, the system has been designated as exempt under Privacy Act Section (k)(2).

J. V-2 Privacy Act Requests and Appeals—FTC

(Previously System Number 51)

The categories of records covered by the system have been revised to include documents generated or collected to respond to the request. Also, because the records that are collected and generated during the consideration given to the request usually relate to the law enforcement programs of the Commission, the system has been designated as exempt under Section (k)(2).

VI. Exemption of Systems of Records From Provisions of the Privacy Act

The Commission proposes that a total of eleven active systems be designated as exempt from the disclosure and reporting requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of the Privacy Act. On September 30, 1990, the Commission implemented a proposal to exempt the records contained in system "I-7 Office of Inspector General Investigative Files" from certain provisions of the Privacy Act under subsections (j)(2) and (k)(2). This proposal restates that determination. The Commission now proposes that, consistent with subsections (k)(2) or (k)(5) the other ten systems be designated as exempt to protect the relevant law enforcement information or the identities of confidential sources from disclosure.

A. Systems Previously Designated as Exempt Under Subsection (k)(2)

Of those eleven systems of records, three have previously been designated as exempt by the Commission under the provisions of subsection (k)(2). Those include: "I-1 Investigational, Legal, and Public Records," and "I-2 Disciplinary Action Investigatory Files," and "I-7 Office of Inspector General Investigative Files." The Commission has reconfirmed that the systems meet the criteria of that

subsection because they were compiled for law enforcement purposes.

B. Systems Not Previously Designated as Exempt Under Subsection (k)(2)

The Commission now proposes that seven additional systems be designated as exempt systems under the provisions of subsection (k)(2). Four of those systems, "I-4 Clearance to Participate Applications Responses Thereto, and Related Documents," "I-5 Management Information System," "I-6 Office of the Secretary Control and Reporting System," and "I-8 Stenographic Reporting Service Requests," are compiled solely for law enforcement purposes. The first two of those systems contain some records that are placed on the Commission's public record.

Three other systems, "V-1 Freedom of Information Act Requests and Appeals," "V-2 Privacy Act Requests and Appeals," and "VII-6 Information Retrieval and Indexing System," actually contain, in addition to records created solely for the purpose for which the systems were compiled, copies of records or descriptions of records that were extracted and re-compiled from law enforcement records contained in systems of records that are designated as exempt under subsection (k)(2). In addition, some records from the first and third of those systems are also routinely placed on the Commission's public record.

The Commission has considered several options for these systems of records and determined that to protect sensitive law enforcement records, to avoid costly maintenance of similar and in some instances partially duplicate records, and to provide the public with as much access to records as possible, only those records in these systems of records that were actually "re-compiled" from or reflect information contained in other systems of records that are properly designated as exempt under the provisions of the statute will be covered by the exemption claimed under subsection (k)(2). The statements describing the exemption of individual systems of records found later in this notice convey the Commission's determination.

C. System Not Previously Designated Exempt Under Subsection (k)(5)

One new system, "II-11 Personnel Security Files," contains information related to the suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information. A system of records, where disclosure would reveal the identity of a

confidential source of information, may be designated as exempt under subsection (k)(5), 5 U.S.C. 552a(k)(5). Therefore, the Commission proposes that system II-11 be designated as exempt under that provision.

D. Withdrawal of Exempt Designation

One system identified as exempt in the 1982 notice has been redefined as not exempt. The description of the

Financial Management System—FTC, which was listed in the 1982 notice as system 23 and is now identified as system III-3, indicates that it was exempt from the disclosure requirements of the Privacy Act by Section (k)(2). The Commission has determined that the records that are retrieved by using an individual's name or identifier do not meet the criteria of Section (k)(2) and proposes, therefore, to

remove the "exempt" designation from the system notice.

VII. Cross Reference to the 1982 Systems Notice

To assist in the review of this proposal and comparison to the 1982 notice, the following listing identifies the old numbering system, the old system name, and the action proposed.

System No.	System name	Action
01	Biographies of Commissioners and Key Staff Members	Renumbered as II-8.
02	Correspondence Control System	Renumbered as IV-1.
03		Previously Deleted.
04	Claimants under Federal Tort Claims Act and Military Personnel and Civilian Employees Claims Act	Renumbered as II-9.
05		Previously Deleted.
06		Previously Deleted.
07	Congressional Correspondence Coordination Unit Records	Consolidated with IV-1.
08	Congressional Inquiry Files—DARO	Consolidated with IV-1.
09	Consultant Files—Division of Advertising Practices—BCP	Consolidated with II-2.
10	Consumer and Industry Correspondence Files—Division of Credit Practices—BCP	Consolidated with IV-1.
11	Consumer Complaint Files—ARO	Consolidated with IV-1.
12	Consumer Complaint Files—DARO	Consolidated with IV-1.
13	Consumer Complaint Files—Division of Marketing Practices—BCP	Consolidated with IV-1.
14	Consumer Complaint Files—LARO	Consolidated with IV-1.
15	Application for Reimbursement for Participation in Rulemaking Proceedings	Deleted—no longer maintained.
16	Consumer Complaint Files—SERO	Consolidated with IV-1.
17	Consumer Mailing List—LARO	Consolidated with VI-1.
18	Consumer Redress Lists—Enforcement Division—BCP	Consolidated with I-1.
19	Correspondence with Enforcement Division—BCP Concerning Parties Subject to Commission Orders	Consolidated with I-1.
20	Employee Locator System	Renumbered as VII-2.
21	Counseling Records	Renumbered as II-4.
22	Disciplinary Action Investigatory Files	Renumbered as I-2.
23	Financial Management System	Renumbered as III-3.
24	Financial Statements of Commissioners Elect	Deleted—No longer maintained.
25	General Correspondence Records	Consolidated with IV-1.
26	Applicant Files and General Personnel Records [Official Personnel Folder and Records related thereto]; Duplicate Personnel files and Automated, Records.	Renumbered as II-1.
27	Assignment Control System—BCP	Deleted—No longer maintained.
28	Investigational, Legal, and Public Records	Renumbered as I-1.
29		Previously Deleted.
30	Consultant Files—BC	Consolidated with II-2.
31	Payroll Processing System	Renumbered as III-1.
32	Payroll—Retirement Records	Renumbered as III-2.
33	Preliminary Investigatory Files	Consolidated with I-1.
34	Public Contact Report System—ARO	Consolidated with VI-1.
35	Public Information Mailing List	Consolidated with VI-1.
36	Public Information Mailing List—BRO	Consolidated with VI-1.
37	Individual Claims Submitted Pursuant to Consent Agreement in Bachman v. Miller	Deleted—Retention requirements of court order expire 11/89.
38		Previously Deleted.
39	Staff Advisory Opinion Records	Renumbered as I-3.
40	Statement of Employment and Financial Interest	Renumbered as II-7.
41	Unofficial Personnel Records	Renumbered as II-2.
42		Previously Deleted.
43		Previously Deleted.
44		Previously Deleted.
45	Automated Serials Routing System	Renumbered as VII-1.
46	Clearance to Participate Applications and the Commission's Responses Thereto	Renumbered as I-4.
47		Previously Deleted.
48		Previously Deleted.
49	Freedom of Information Act Requests and Appeals from Other Than Government Agencies and the Commission's Responses Thereto.	Renumbered as V-1.
50		Previously Deleted.
51	Privacy Act Requests and Appeals	Renumbered as V-2.
52	Equal Employment Opportunity Statistical Reporting System	Renumbered as II-5.
53	Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing List	Deleted—no longer maintained.
54	Discrimination Complaint System	Renumbered as II-6.
55	Consumer Education Mailing List—BCP	Consolidated with VI-1.

Accordingly, the Federal Trade Commission proposes the following systems of records be identified as the complete and current notice required by the Privacy Act.

Table of Contents

System Number and System Name

I. Law Enforcement Systems of Records

- I-1—Investigational, Legal, and Public Records—FTC.
- I-2—Disciplinary Action Investigatory Files—FTC.
- I-3—Requests for Staff Opinion and Responses Thereto—FTC.
- I-4—Clearance to Participate Applications and the Commission's Responses Thereto, and Related Documents—FTC.
- I-5—Management Information System—FTC.
- I-6—Office of the Secretary Control and Reporting System—FTC.
- I-7—Office of Inspector General Investigative Files—FTC.
- I-8—Stenographic Reporting Services Request System—FTC.

II. Federal Trade Commission Personnel Systems of Records

- II-1—General Personnel Records—FTC.
- II-2—Unofficial Personnel Records—FTC.
- II-3—Worker's Compensation—FTC.
- II-4—Counseling Records—FTC.
- II-5—Equal Employment Opportunity Statistical Reporting System—FTC.
- II-6—Discrimination Complaint System—FTC.
- II-7—Statement of Employment and Financial Interests—FTC.
- II-8—Biographies of Commissioners and Key Staff Members—FTC.
- II-9—Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC.
- II-10—Employee Medical File—FTC.
- II-11—Personnel Security File—FTC.
- II-12—Training Reservation System—FTC.

III. Federal Trade Commission Financial Systems of Records

- III-1—Payroll Processing System—FTC.
- III-2—Payroll-Retirement Records—FTC.
- 111-3—Financial Management System—FTC.

IV. Correspondence Systems of Records

- IV-1—Correspondence Control System—FTC.

V. Access Requests

- V-1—Freedom of Information Act Requests and Appeals—FTC.
- V-2—Privacy Act Requests and Appeals—FTC.
- V-3—Public Information Requests System—FTC.

VI. Mailing List Systems of Records

- VI-1—Mailing Lists—FTC.

VII. Miscellaneous Systems of Records

- VII-1—Automated Serials Routing System—FTC.
- VII-2—Employee Locator System—FTC.
- VII-3—Computer Systems User Identification—FTC.
- VII-4—Standard Name System—FTC.

- VII-5—Property Management System—FTC.
- VII-6—Information Retrieval and Indexing System—FTC.
- VII-7—Service Order System—FTC.
- VII-8—Service Call System—FTC.

I. Law Enforcement Systems of Records

FTC-I-1

SYSTEM NAME:

Investigational, Legal, and Public Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Regional Offices:

Atlanta Regional Office, 1718 Peachtree Street, NW., Room 1000, Atlanta, Georgia 30367.

Boston Regional Office, 10 Causeway Street, Room 1184, Boston, Massachusetts 02222-1073.

Chicago Regional Office, 55 East Monroe Street, Suite 1437, Chicago, Illinois 60603.

Cleveland Regional Office, 668 Euclid Avenue, Suite 520-A, Cleveland, Ohio 44114.

Dallas Regional Office, 100 N. Central Expressway, Suite 500, Dallas, Texas 75201.

Denver Regional Office, 1405 Curtis Street, Suite 2900, Denver, Colorado 80202-2393.

Los Angeles Regional Office, 11000 Wilshire Boulevard, Suite 13209, Los Angeles, California 90024.

New York Regional Office, 150 William Street, Suite 1300, New York, New York 10038.

San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, California 94103.

Seattle Regional Office, 2806 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in Commission investigations, rulemaking, advisory, and law enforcement proceedings; parties requesting formal advisory opinions; and consumers who have received redress or who are entitled to redress pursuant to Commission or court orders. (Businesses, proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employment status, age, date of birth, financial information, credit information, personal history, and records collected and generated during the investigation, which may include correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents records or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to any of the following: investigation files; docketed and consent matters; rulemaking proceedings; assurances of voluntary compliance; advisory opinions; but is limited to those files from which information is retrieved by the name of an individual or other identifying particular assigned to the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Executive Order 10450.

PURPOSE(S):

To conduct the law enforcement, rulemaking, and advisory responsibilities of the Federal Trade Commission; to make determinations based upon the results of those matters; to report results of investigations to other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for any action deemed appropriate; to make appropriate portions of the records of those matters available to the public; and to maintain records of Commission activities related to those matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Made available or referred to federal, state, or local government authorities for investigation, possible criminal prosecution, civil action, regulatory order, or other law enforcement purpose;

(2) Referral to experts or consultants when considered appropriate by Commission staff to assist in the conduct of the matters;

(3) Used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities for information management purposes; and

(4) Individual records that are of historical value may also be incorporated into System VII-6, Information Retrieval and Indexing System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

May be maintained on standard legal-size and letter-size paper; magnetic tapes and disks; microfilm and microfiche; or optical storage media.

RETRIEVABILITY:

Indexed by respondent's, participant's, or FTC staff member's name; company name; industry investigation title; and FTC matter number.

SAFEGUARDS:

Certain records available to the public. Access to nonpublic records restricted to agency personnel whose responsibilities require access. Hardcopy records maintained in lockable rooms and access to automated records controlled "user id" and password combination.

RETENTION AND DISPOSAL:

Records not needed for historical purposes destroyed or returned to submitter at conclusion of the matter. Other records retained at FTC office for 5 years after conclusion of matter, after which transferred for storage to appropriate National Archives and Records Administration or Federal Records Center. Investigatory files, except history portions, destroyed after 5 years.

SYSTEM MANAGER AND ADDRESSES:

Supervisor, Records Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual respondent(s) or proposed respondent(s), company records, complainants, informants, witnesses, participants, and FTC employees.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records contained in this system that have been placed on the FTC Public Record are available upon request. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system that are not on the Public Record are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a, and the corresponding provisions of 16 CFR 4.13. See FTC Rules of Practice § 4.13(m), 16 CFR 4.13(m), as amended.

FTC-I-2

SYSTEM NAME:

Disciplinary Action Investigatory Files—FTC.

SECURITY CLASSIFICATION:

Not applicable

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel, counsel for parties in investigative or adjudicative proceedings, and others participating in FTC matters who may be subject to investigation for possible improper or unethical conduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employment status, age, date of birth, financial information, credit information, personal history, and records collected and generated during the investigation, which may include correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents records or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to alleged violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Executive Order No. 10450.

PURPOSE(S):

To conduct disciplinary action investigations; to make determinations based upon the results of the investigations; to report results of investigations to other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for any action deemed appropriate; and to maintain records related to those matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

- (1) Used to determine whether disciplinary action, including suspension or disbarment from practice before the Commission, is warranted;
- (2) May be transferred to the Office of Personnel Management, to a court, or a bar association; and
- (3) Used by personnel of other agencies, court, or bar association to whom matter is referred.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

May be maintained on standard legal-size and letter-size paper; on microfilm or microfiche; or on optical storage media.

RETRIEVABILITY:

Indexed by individual's name, company name, industry investigation title, file or docket number.

SAFEGUARDS:

Access restricted to employees whose official duties require access. Hardcopy records maintained in lockable cabinets.

RETENTION AND DISPOSAL:

Retained at FTC office for 5 years after conclusion of matter, after which transferred for storage to appropriate National Archives and Records

Administration and Federal Records Center.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Records Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-I-3

SYSTEM NAME:

Requests for Staff Opinion and Responses Thereto—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for advisory opinions under § 1.1(b) of the Commission's Rules of Practice, 16 CFR 1.1(b).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of requester; business information; proposed courses of business action; Commission responses to requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To maintain records of requests for informal advice and Commission staff responses; to use those records in relation to subsequent requests for informal advice; and to make that information available to the public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used to provide staff advice that is responsive to a request from a member of the public;

(2) Used to maintain records of advice given for use of the staff for preparation of future Commission opinions and to coordinate and assure consistency of position;

(3) Used as a possible referral to appropriate federal or state agencies for advice or where law enforcement action may be warranted;

(4) Individual records that are of historical value may also be incorporated into System VII-6, Information Retrieval Indexing System; and

(5) Information may be made part of the public record of the Commission and made available to the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

May be maintained on standard legal-size and letter-size paper; magnetic disks and tapes; microfilm and microfiche; or optical storage media.

RETRIEVABILITY:

Indexed by name of requesting party.

SAFEGUARDS:

Available to the public and all agency staff. Maintained in lockable office.

RETENTION AND DISPOSAL:

Maintained from June 1962; no present disposal program.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Records Branch, Information Management & Dissemination Division, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual proprietorship, corporation, or other business organization, or counsel seeking or receiving a staff advisory opinion and FTC employees.

FTC-I-4

SYSTEM NAME:

Clearance to Participate Applications and the Commission's Responses Thereto, and Related Documents—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former members or employees of the Commission who request authorization to appear or participate in a proceeding or investigation, formal or informal, which was pending in any manner in the Commission during that individual's tenure at the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and current employment status of the requesting individual, as well as the nature of any connection with the proceeding or investigation for which clearance is sought during service with the Commission; letters responding to those requests indicating the determination of the Commission and outlining reasons for any denial or restriction; internal Commission memoranda evaluating the request and discussing the status of any relevant pending matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To evaluate applications; to make determinations in response to those applications; to maintain records of consideration given to applications requesting authorization to appear in Commission proceedings; and to ensure no conflict of interest between former members or employees of the Commission and active proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant

to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Individual records that are of historical value may also be incorporated into System VII-6, Information Retrieval and Indexing System; and

(2) Application and response letters may be made part of the public record of the Commission and made available to the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

May be maintained on standard legal-size and letter-size paper; magnetic tapes and disks; microfilm and microfiche; or optical storage media.

RETRIEVABILITY:

Indexed by name of the applicant and by the name of the investigation or proceeding.

SAFEGUARDS:

Maintained in lockable offices. Applications and responses available to the public and all agency staff. Other records restricted to employees whose official duties require access.

RETENTION AND DISPOSAL:

Applications and responses maintained from January 1969; no present disposal schedule.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Records Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Assistant General Counsel for Legal Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and Commission staff who prepare the memoranda and response to request.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records contained in this system that have been placed on the FTC Public Record are available upon request. However, pursuant to 5 U.S.C.

552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-I-5

SYSTEM NAME:

Management Information System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees; participants in Commission investigations, rulemaking, advisory, and law enforcement proceedings; and parties requesting formal advisory opinions. (Businesses, proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

For records about individuals who, at the time the records are added to the system, are Commission employees: Name; employee identification number; organization name and code; employee time spent on work activities and type of activities engaged in; and specific responsibilities and assignments on individual matters. For others: records related to investigatory, rulemaking, and advisory opinion proceedings, including name and associated matter number; matter status; alleged or potential law violation; and goods or services associated with the proceeding. The records also include plans for conducting the proceeding and actions taken during the proceeding.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To maintain records of employee work and Commission law enforcement activities; to make workload and budget determinations and personnel related evaluations; to assist in investigative and adjudicative proceedings, enforcement actions, civil penalty proceedings, consideration of compliance reports, issuance of cease and desist orders, and advisory opinions; to refer to experts and

consultants when considered appropriate by Commission staff; and to use those records to properly manage Commission resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Made available or referred to federal, state, or local government authorities for investigation, possible criminal prosecution, civil action, regulatory order or other law enforcement purpose; and

(2) If the proceeding about which the record relates is public in nature, records may be made part of the public record of the Commission and made available to the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

May be maintained on standard legal-size and letter-size paper; magnetic tapes and disks; microfilm and microfiche; or optical storage media.

RETRIEVABILITY:

Indexed by individual's name, employee identification number, matter number, respondent's or correspondent's name, company name, industry investigation title, and FTC matter number.

SAFEGUARDS:

Certain records available to the public. Access to other records restricted to agency personnel whose responsibilities require access. Access to computerized records controlled by "user id" and password combination.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and Commission staff associated with the matter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records contained in this system that have been placed on the FTC Public Record are available upon request. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-I-6**SYSTEM NAME:**

Office of the Secretary Control and Reporting System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 8th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commissioners or Commission employees; participants in Commission investigations and law enforcement proceedings; and parties requesting formal advisory opinions. (Businesses, proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of assignments; votes; circulations; and statements of individual Commissioners on issues before the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To process and control assignments made to individual Commissioners; to coordinate the consideration and votes on appropriate issues; to assist Commissioners and staff in investigative, adjudicative and rulemaking proceedings, enforcement actions, civil penalty proceedings, consideration of compliance reports,

issuance of complaints, negotiation of consent orders, issuance of cease and desist orders, advisory opinions, and other matters before the Commission; and to retain records of the matters before the Commission, the Commission's deliberations and decisions concerning those matters, and related documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records and information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

May be maintained on standard legal-size and letter-size paper; magnetic tapes and disks; microfilm and microfiche; or optical storage media.

RETRIEVABILITY:

Indexed by Commissioner or staff name, employee identification number, FTC matter number, respondent's name, company name, and industry investigation title.

SAFEGUARDS:

Access to records restricted to agency personnel whose responsibilities require access: Access to computerized records controlled by "user id" and password combination.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Commission staff associated with the matter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-I-7**SYSTEM NAME:**

Office of Inspector General Investigative Files—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of OIG investigations relating to the programs and operations of the Federal Trade Commission. Subject individuals include, but are not limited to, current and former Commission employees; agents or employees of contractors or subcontractors, as well as contractors and subcontractors in their personal capacity, where applicable; and other individuals whose actions affect the Commission, its programs or operations. (Businesses, proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents, records, or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to alleged or suspected criminal, civil, or administrative violations or similar wrongdoing by subject individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act Amendments of 1988, Pub. L. No. 100-504, amending the Inspector General Act of 1978, Pub. L. No. 95-452, 5 U.S.C. app.

PURPOSE(S):

To document the conduct and outcome of investigations; to report results of investigations to other components of the Commission or other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the

results of investigations to other agencies or other regulatory bodies for any action deemed appropriate, and for retaining sufficient information to fulfill reporting requirements; and to maintain records related to the activities of the Office of the Inspector General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Disclosed to agencies, offices, or establishments of the executive, legislative, or judicial branches of the federal or state government

(a) Where such agency, office, or establishment has an interest in the individual for employment purposes, including a security clearance or determination as to access to classified information, and needs to evaluate the individual's qualifications, suitability, and loyalty to the United States Government, or

(b) Where such agency, office, or establishment conducts an investigation of the individual for the purposes of granting a security clearance, or for making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas, or

(c) Where the records or information in those records are relevant and necessary to a decision with regard to the hiring or retention of an employee or disciplinary or other administrative action concerning an employee, or

(d) Where disclosure is requested in connection with the award of a contract or other determination relating to a government procurement, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter, including, but not limited to, disclosure to any Federal agency responsible for considering suspension or debarment actions where such record would be germane to a determination of the propriety or necessity of such action, or disclosure to the United States General Accounting Office, the General Services Administration Board of Contract Appeals, or any other Federal contract

board of appeals in cases relating to an agency procurement;

(2) Disclosed to the Office of Personnel Management, the Office of Government Ethics, the Merit Systems Protection Board, the Office of the Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority or its General Counsel, of records or portions thereof relevant and necessary to carrying out their authorized functions, such as, but not limited to, rendering advice requested by the OIG, investigations of alleged or prohibited personnel practices (including unfair labor or discriminatory practices), appeals before official agencies, offices, panels or boards, and authorized studies or review of civil service or merit systems or affirmative action programs;

(3) Disclosed to independent auditors or other private firms with which the Office of the Inspector General has contracted to carry out an independent audit or investigation, or to analyze, collate, aggregate or otherwise refine data collected in the system of records, subject to the requirement that such contractors shall maintain Privacy Act safeguards with respect to such records; and

(4) Disclosed to a direct recipient of federal funds such as a contractor, where such record reflects serious inadequacies with a recipient's personnel and disclosure of the record is for purposes of permitting a recipient to take corrective action beneficial to the Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The OIG Investigative Files consist of paper records maintained in file folders and data maintained on computer diskettes. The folders and diskettes are stored in file cabinets in the OIG.

RETRIEVABILITY:

The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in lockable rooms. Access is restricted to individuals whose duties require access to the records. File cabinets and rooms are locked during non-duty hours.

RETENTION AND DISPOSAL:

The OIG Investigative Files are kept indefinitely.

SYSTEM MANAGER AND ADDRESS:

Inspector General, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Employees or other individuals on whom the record is maintained, non-target witnesses, Commission and non-Commission records to the extent necessary to carry out OIG investigations authorized by 5 U.S.C. app.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), records in this system are exempt from the provisions of 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and corresponding provisions of 16 CFR 4.13, to the extent the system of records relates in any way to the enforcement of criminal laws.

Pursuant to 5 U.S.C. 552a(k)(2), the system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), and the corresponding provisions of 16 CFR 4.13, to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2).

FTC-I-8

SYSTEM NAME:

Stenographic Reporting Services Request System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees and who request stenographic reporting services or who are responsible for hearings in which stenographic reporting services are used; individuals who are deposed or provide testimony at hearings in which stenographic reporting services are used. (Businesses, proprietorships, or corporations are not covered by this system.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and sometimes address of individual who is deposed or provides testimony in FTC proceedings; name of staff requesting and/or responsible for the hearing; information indicating the time and place of the hearing; information identifying the matter to which the hearing relates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To communicate information to stenographic reporting service contractors to schedule and provide stenographic reporting services; to maintain records of the planned and actual expenditures of FTC funds for stenographic reporting services; to identify individuals who are deposed or provide testimony in FTC proceedings; to identify individuals who request reporting service assistance; and to identify, for agency managers to ensure that stenographic services are used properly, the use of various levels of stenographic service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) When hearing is a matter of public record, information identifying the individual being deposed or providing testimony is made part of the public record of the proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

May be maintained on standard legal-size and letter-size paper; magnetic tapes and disks; microfilm and microfiche; or optical storage media.

RETRIEVABILITY:

Records retrievable by name of individual being deposed or providing testimony, name of individual requesting stenographic services, or name of individual responsible for hearing in which stenographic services are required.

SAFEGUARDS:

Certain records available to the public. Access to other records restricted to agency personnel whose responsibilities require access. Access to automated records controlled by "user id" and password combination.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Records Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and Commission staff associated with the matter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records contained in this system that have been placed on the FTC Public Record are available upon request. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

II. Personnel Systems of Records**FTC-II-1****SYSTEM NAME:**

General Personnel Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal Trade Commission employees and applicants for vacancies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each category of record may include identifying information such as name(s), date of birth, home residence, mailing address, social security number, and home telephone. This system includes, but is not limited to, the contents of the Official Personnel Folder as specified in

Federal Personnel Manual Supplement 293-31. (Copies of Official Personnel Records maintained by other Commission offices are considered part of FTC-II-2. Unofficial Personnel Records—FTC.) Records in this system include:

a. Records reflecting work experience, educational level achieved, specialized education or training obtained outside of Federal service.

b. Records reflecting Federal service and documenting work experience and specialized education or training received while employed. Such records contain information about: Past and present positions held; grades; salaries; and duty station locations; commendations, awards, or other data reflecting special recognition of an employee's performance; and notices of all personnel actions such as: Appointments, transfers, reassignments, details, promotions, demotions, reductions in force, resignations, separations, suspensions, approval of disability retirement applications, retirement and removals.

c. Records relating to enrollment or declination of enrollment in the Federal Employees Group Life Insurance Program and federally-sponsored health benefit programs, as well as forms showing designation of beneficiary.

d. Records of a medical nature, including records compiled during an agency initiated fitness-for-duty examination or request for approval of disability retirement. Such medical records are to be retained in separate envelopes from the OPF and include records of medical examination that are to remain as a long-term record in the OPF (see "Retention and Disposal" section).

e. Records relating to an Intergovernmental Personnel Act assignment or Federal-private exchange program.

f. Records relating to participation in the Federal Executive or SES Candidate Development Program.

g. Records relating to Government-sponsored training or participation in the agency's Upward Mobility Program or other personnel programs designed to broaden an employee's work experiences and for purposes of advancement (e.g., an administrative intern program).

h. Records connected with the Senior Executive Service (SES), for use in making studies and analyses of the SES, preparing reports, and in making decisions affecting incumbents of these positions, e.g., relating to sabbatical leave programs, training, reassignments, and details, that are perhaps unique to

the SES and which may or may not be filed in the employee's Official Personnel Folder. These records may also serve as basis for reports submitted to OMB's Executive Personnel and Management Development Group for purposes of implementing the Office's oversight responsibilities concerning the SES.

i. Records on an employee's activities on behalf of the recognized labor organization representing agency employees, including accounting of official time spent and documentation in support of per diem and travel expenses.

j. Records that are performance-related, including: Appraisal forms and supporting documentation; recommendations for personnel actions; Performance Review Board or Executive Resource Board records; forms and supporting documentation issued in connection with removal actions; letters of commendation; and documents certifying satisfactory completion of probationary periods or recommendations for within grade or merit pay actions. Conduct-related records, such as reprimands, admonishments, cautions, or warnings and supporting documentation are also part of this system.

k. To the extent that the records listed here are also maintained in the agency automated personnel or microform records system, those versions of the above records are considered to be covered by this system notice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 1302, 2951, 3372, 4118; 8347 and Executive Orders 9397, 9830, and 12107.

PURPOSE(S):

The Official Personnel Folder (OPF) and other general personnel records are the official repository of the records, reports of personnel actions, and the documents required in connection with those actions effected during an employee's Federal service. The personnel action reports and other documents, some of which are filed as long term records in the OPF, give legal force and effect to personnel transactions and establish employee rights and benefits under pertinent laws and regulations governing Federal employment.

The OPF is maintained for the period of the employee's service in the Commission and is then transferred to the National Personnel Records Center for storage or, as appropriate, to the next employing Federal agency. Other records are either retained at the agency for various lengths of time in accordance

with General Services Administration records schedules or destroyed when they have served their purpose or when the employee leaves the agency. They provide the basic source of factual data about a person's Federal employment while in the service and after his or her separation. Records in this system have various uses including: Screening qualifications of employees; determining status, eligibility, and employee's rights and benefits under pertinent laws and regulations governing Federal employment; computing length of service; and for other information needed in providing personnel services. These records and their automated or microformed equivalents may also be used to locate individuals for personnel research.

Temporary documents on the left side of the OPF may lead (or have led) to a formal action, but do not constitute a record of it, nor make a substantial contribution to the employee's long term record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Performance Related Uses

(a) To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), where necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit;

(b) To disclose to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government in response to its request, or at the initiation of the agency maintaining the records, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of

a license, grant, or other benefit by the requesting agency; or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(c) By the agency or by OPM to locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

(d) To provide an official of another Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained;

(e) To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulations, investigations of alleged or prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law;

(f) To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978;

(g) To disclose to prospective non-Federal employers, the following information about a specifically identified current or former Federal employee:

- (i) Tenure of employment;
- (ii) Civil service status;
- (iii) Length of service in the agency and the Government; and
- (iv) When separated, the date and nature of action as shown on the Notification of Personnel Action, Standard Form 50 (or authorized exception);

(h) To consider employees for recognition through quality step increases, and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee recognition;

(i) To consider and select employees for incentive awards and other honors and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee awards or honors;

(j) To disclose information to any member of the agency's Performance Review Board or other board or panel (e.g. one convened to select or review nominees for awards of merit pay increases), when the member is not an official of the employing agency; information would then be used for the purposes of approving or recommending selection of candidates for executive development of SES candidate programs, issuing a performance appraisal rating, issuing performance awards, nominating for Meritorious and Distinguished Executive ranks, and removal, reduction-in-grade, and other personnel actions based on performance;

(k) By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualification of an individual;

(l) By the Office of Personnel Management for purposes of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual's record; and

(m) As a data source for management information for promotion of summary descriptive statistics and analytical studies in support of the related personnel management functions of human resource studies; may also be utilized to locate specific individuals for personnel research or other personnel management functions;

(2) Training/Education Related Uses

(a) To disclose information to Government training facilities (Federal, State, and local) and to non-Government training facilities (private vendors of training courses or programs, private schools, etc.) for training purposes; and

(b) To disclose information to educational institutions on appointment of a recent graduate to a position in the Federal service, and to provide college and university officials with information about their students working under the Cooperative Education Volunteer Service, or other similar programs where

necessary to a student's obtaining credit for the experience gained;

(3) Retirement/Insurance/Health Benefits Related Uses

(a) To disclose information to: the Department of Labor, Department of Veterans Affairs, Social Security Administration, Department of Defense, Federal agencies that have special civilian employee retirement programs; or a national, State, county, municipal, or other publicly recognized charitable or income security administration agency (e.g., State unemployment compensation agencies) where necessary to adjudicate a claim under the retirement, insurance or health benefits programs of the Office of Personnel Management or an agency cited above, or to an agency to conduct an analytical study or audit of benefits being paid under such programs;

(b) To disclose to the Office of Federal Employees Group Life Insurance information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance;

(c) To disclose to health insurance carriers contracting with the Office of Personnel Management to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts;

(d) When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who is responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled;

(e) To disclose to the agency-appointed representative of an employee all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under:

(i) Fitness-for-duty examination procedures; or

(ii) Agency-filed disability retirement procedures;

(f) To disclose to a requesting agency, organization, or individual the home address and other relevant information concerning those individuals who, it is reasonably believed, might have contracted an illness, been exposed to, or suffered from a health hazard while employed in the Federal work force; and

(g) To disclose information to the Department of Defense, National Oceanic and Atmospheric Administration, and the United States Coast Guard needed to effect any adjustments in retired or retained pay required by the dual compensation provisions of 5 U.S.C. 5532;

(4) Labor Relations Related Uses

(a) To disclose information to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised and matters before the Federal Service Impasses Panel; and

(b) To disclose information to officials of labor organizations recognized under 5 U.S.C. 71 *et. seq.* when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; and

(5) Miscellaneous Uses

(a) To disclose information to the Federal Acquisition Institute (FAI) about Federal employees in procurement occupations and other occupations whose incumbents spend the predominant amount of their work hours on procurement tasks; provided that the FAI shall only use the data for such purposes and under such conditions as prescribed by the notice of the Federal Acquisition Personnel Information System as published in the *Federal Register* on February 7, 1980 (45 FR 8399 (1980));

(b) To provide data to OPM for inclusion in the automated Center Personnel Data File;

(c) Disclosed for any routine use noted in the Office of Personnel Management Privacy Act Notice for this system of records. See 47 FR 16489 (1982), as amended by 50 FR 15253 (1985);

(d) To disclose information to a Federal, state, or local agency for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs; and

(e) To locate individuals for personnel research or survey response, and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of

data included in the study may be structured in such a way as to make the data individually identifiable by inference.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

May be maintained on standard legal-size and letter-size paper; magnetic disks and tape, and punched cards.

RETRIEVABILITY:

Records are indexed by various combinations of individual's name, birth date, social security number, or employee identification number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access. Access to automated files restricted by password to those whose official duties require access.

RETENTION AND DISPOSAL:

Long-term Records. The Official Personnel Folder (OPF) is retained by the Commission as long as the individual is employed with the Commission. Medical records are kept separately from the OPF while the individual is employed by the Commission. When the individual transfers to any Federal agency or to another appointing office, the OPF, with the long-term medical records inserted in a separate envelope, is sent to that agency or office. Other medical records covered by this system; i.e., fitness-for-duty examinations, are considered temporary in nature. Such records, when not submitted to the Office of Personnel Management for retention in a disability retirement file (or submitted, but the Office of Personnel Management does not approve retirement), shall be destroyed no later than 6 months after closing action on the case or sooner at the discretion of the Commission.

Within 90 days after the individual separates from the Federal service, the OPF is sent to the National Personnel Records Center for long-term storage. In the case of administrative need, a retired employee, or an employee who dies in service, the OPF is sent to the Records Center within 120 days.

Destruction of the OPF is in accordance with General Records Schedule (GRS) 1.

Other Records. These records are retained for varying periods of time. Generally they are maintained for a minimum of 1 year or until the employee transfers or separates.

Records contained on computer processible media within the Commission's automated personnel records may be retained indefinitely as a basis for longitudinal work history statistical studies. After the disposition date in GRS-1, such records may not be used in making decisions concerning employees.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Personnel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual to whom the record applies and agency employees.

FTC-II-2

SYSTEM NAME:

Unofficial Personnel Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Regional Offices:

Atlanta Regional Office, 1718 Peachtree Street, NW., Room 1000, Atlanta, Georgia 30367.

Boston Regional Office, 10 Causeway Street, Room 1184, Boston, Massachusetts 02222-1073.

Chicago Regional Office, 55 East Monroe Street, Suite 1437, Chicago, Illinois 60603.

Cleveland Regional Office, 668 Euclid Avenue, Suite 520-A, Cleveland, Ohio 44114.

Dallas Regional Office, 100 N. Central Expressway, Suite 500, Dallas, Texas 75201.

Denver Regional Office, 1405 Curtis Street, Suite 2900, Denver, Colorado 80202-2393.

Los Angeles Regional Office, 11000 Wilshire Boulevard, Suite 13209, Los Angeles, California 90024.

New York Regional Office, 150 William Street, Suite 1300, New York, New York 10038.

San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, California 94103.

Seattle Regional Office, 2806 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees, consultants, contractors, or applicants for vacancies.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records contains information or documents about the educational background, employment, and work history of individuals. The types of records maintained vary with each supervisor and Commission unit. Each supervisor may maintain some or all of the following records: Written notes or memoranda on employee conduct and performance (i.e., employee evaluation, employee forms, leave records, work assignments, or disciplinary problems), work schedule, and records related to consideration given to applicants for positions with the FTC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 4301-4308; 6101-6106; 6301-6326; 7301-7352; and 7501-7533.

PURPOSE(S):

To assist Commission managers in making work assignment, evaluation, and other types of decisions related to the employees of the Federal Trade Commission; to assist in evaluating performance, preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, coordinating schedules, and preparing news releases; to assist supervisors in the interviewing, evaluation, and selection process when filling position vacancies; and to maintain records of those considerations and actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Records identifying the individual's work schedule may be made available to other agency staff and the public; and

(2) Referral to the Office of Personnel Management concerning pay benefits, retirement deductions, and other information necessary for OPM to carry

out its government-wide personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on magnetic diskettes.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access to these records is limited to those whose official duties require such access. Maintained in lockable rooms or cabinets.

RETENTION AND DISPOSAL:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the bureau or office that compiled and maintained the information.

SYSTEM MANAGERS AND ADDRESS:

Employee's Supervisors, Federal Trade Commission, (Same address as System Location).

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom record pertains; individual's supervisors; other interested parties.

FTC-II-3

SYSTEM NAME:

Worker's Compensation—FTC.

SECURITY CLASSIFICATION:

Not applicable

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees and who sustain work related injuries or occupational diseases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, Social Security numbers, medical reports, accident and occupational disease reporting forms, correspondence, and medical bills.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Employees Compensation Act.

PURPOSE(S):

To consider applications, from employees who allegedly sustain work related injuries, for compensation and to maintain records concerning those applications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Responding to queries from Department of Labor, Office of Workers Compensation Programs, supervisors and employees about compensation claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access is restricted to agency personnel who require access. Maintained in lockable rooms.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Personnel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual to whom record applies, supervisors, physicians, Department of Labor, Office of Workers Compensation programs, managers, and witnesses.

FTC-II-4

SYSTEM NAME:

Counseling Records—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Federal Trade Commission who seek counseling assistance through the Division of Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counseling notes and Individual Development Plans related to Upward Mobility, Professional Training, Executive Development, and Employee Relations matters. Letters from creditors about debts owed by current employees and copies of employee responses. Records concerning time and expenses of employee involved in activities on behalf of labor organization representing agency employees, including accounting of official time spent and documentation in support of per diem and travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101 *et seq.*; Executive Orders 9830, 11348, and 11478; Equal Opportunity Act of 1972.

PURPOSE(S):

To provide counseling to Commission employees and to maintain records of those activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Upward Mobility, Professional Training and Executive Development—used by program director or others whose official duties require such information to assist in providing effective counseling to employees; to provide a record of employee goals and objectives and classes needed to attain those objectives; and to maintain a record of courses taken;

(2) Employee Relations and Debt—used by Employee Relations Specialist or others whose official duties require

such information. Information provides a record of counseling provided and resolution of problem(s). If the problem results in a disciplinary action, information in file may become part of an official record;

(3) Labor Relations—Used by Labor Relations Specialist and others whose official duties require such information. Provides a record of official time used and travel and per diem money spent while attending to union business. Information disclosed to officials of labor organizations recognized under 5 U.S.C. 7101 *et seq.* when relevant and necessary to their duties as exclusive representative;

(4) Information disclosed to the Federal Labor Relations Authority (including its General Counsel) when requested in connection with investigation and resolution of allegations of unfair labor practices, in connection with the resolution of exceptions to arbitrator's awards where a question of material fact is raised and matters before the Federal Service Impasses Panel; and

(5) All Records—Referral to the Office of Personnel Management concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Records are stored in lockable metal file cabinets. Access to these records is limited to those persons whose duties require such access.

RETENTION AND DISPOSAL:

Records are destroyed after completion of the program (Upward Mobility, Professional Executive Development Programs) or after employee's separation from the agency (Employee Relations and Debt Counseling).

SYSTEM MANAGER AND ADDRESS:

Director, Division of Personnel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the records pertain, supervisors, program managers, counselor.

FTC-II-5

SYSTEM NAME:

Equal Employment Opportunity Statistical Reporting System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded minority group designations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 7201, 7204, and Executive Order 10577.

PURPOSE(S):

To maintain statistical information related to employment opportunities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used by the Equal Employment Opportunity Director in composite statistical form only, for analyses and reports within the Commission and to the Congress, Office of Management and Budget, Equal Employment Opportunity Commission, and Office of Personnel Management as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on magnetic disks and tape.

RETRIEVABILITY:

Indexed by name of individual, name of group, or by cross-reference to title and grade information contained in FTC System II-1. General Personnel Records

(Official Personnel Folder and Records Related Thereto).

SAFEGUARDS:

Computerized records controlled by password and access may be obtained only by written authorization of the Equal Employment Opportunity Director.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Equal Employment Opportunity Office, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Self-identification or visual identification of each employee by Division of Personnel staff and administrative officer in each Regional Office.

FTC-II-6

SYSTEM NAME:

Discrimination Complaint System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, affidavits, supporting documents, memoranda and notes relevant to precomplaint and complaint investigations and matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 717 of Title VII of the Civil Rights Act of 1964, as amended, and 29 CFR part 1613.

PURPOSE(S):

To assist in the consideration given to reviews of potential or alleged violations of equal employment opportunity statutes and regulations and to maintain records on precomplaint and

complaint matters relating to those issues.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used to resolve issues related to alleged discrimination because of race, national origin, religion, sex, age, and physical or mental handicap related to equal employment opportunity matters; and

(2) Used to make reports to Office of Management and Budget, Merit Systems Protection Board, and Equal Employment Opportunity Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in letter-size file folders.

RETRIEVABILITY:

Indexed by name of the complainant.

SAFEGUARDS:

Maintained in lockable cabinets and access restricted to Commission's EEO staff and parties concerned in any related proceeding.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Equal Employment Opportunity Office, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained, affiants, and EEO staff.

FTC-II-7

SYSTEM NAME:

Statement of Employment and Financial Interests—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees required by FTC regulations to file statements of employment and financial interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; organization; statement of personal and family holdings and other interests in business enterprises and real property; listings of creditors and outside employment; opinions of counsel; and other information related to conflict of interest disclosures and determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222 and 5 CFR part 735.

PURPOSE(S):

To meet the requirements of Executive Order 11222 on the filing of employment and financial interest statements; and to assist senior Commission employees and members of the General Counsel's Office to review statements of employment and financial interests to ascertain whether a conflict of interest or apparent conflict of interest exists and, if so, to ensure that appropriate action is taken to remove conflict.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Disclosed to a source when necessary to obtain information relevant to a conflict of interest investigation or determination.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in lockable file cabinet. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel for Legal Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained.

FTC-II-8

SYSTEM NAME:

Biographies of Commissioners and Key Staff Members—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Commissioners and key FTC staff members.

CATEGORIES OF RECORDS IN THE SYSTEM:

These reports contain some or all of the following: name, biographical data such as education and employment, photograph and news release related to the individual's appointment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To maintain records for the public outlining the biographies of Commissioners and key Commission staff members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified

either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used by Office of Public Affairs staff members as resource material for (a) writing news releases; (b) FTC publications; and (c) filling requests for information from members of the public; and

(2) Individual records that are of historical value may also be incorporated into System VII-6, Information Retrieval and Indexing System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Available to the public. Maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Upon or shortly after departure from the Commission, records are destroyed or returned to the individual.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Public Affairs, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained.

FTC-II-9

SYSTEM NAME:

Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information relating to incidents in which the FTC may be liable for property damage, loss, or personal injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act; Military Personnel and Civilian Employees' Claims Act.

PURPOSE(S):

To consider claims made under the statutes; to investigate those claims; to determine appropriate responses to those claims; and to maintain records outlining all considerations and actions related to those claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Referred to Department of Justice, GSA, or other federal agency when the matter comes within the jurisdiction of such agency; and

(2) Used in discussions and correspondence with insurance companies, with other persons or entities that may be liable, with potential witnesses or others having knowledge of the matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

The files are stored in lockable file cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

The records are retained for 10 years after the matter has been resolved, then destroyed.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel for Legal Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record pertains (claimant); FTC employee involved in incident; other FTC employees or other persons having knowledge of the circumstances; official police report (if any); and insurance company representing claimant (if any).

FTC-II-10

SYSTEM NAME:

Employee Medical File—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, medical reports, opinions, evaluations and treatment information, and records resulting from the testing of the employee for use of illegal drugs under Executive Order 12564.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12196 and 12564.

PURPOSE(S):

To maintain records concerning employee job-related medical treatment.

To provide an accurate medical history of the total health care and medical treatment received by the individual as well as job and/or hazard exposure documentation and health monitoring in relation to health status and claims of the individual. To provide a record of communications among members of the health care team who contribute to the patient's care. To provide a legal document describing the health care administered and any exposure incident.

To document employee's reporting of on-the-job injuries or unhealthy or unsafe working conditions, including the reporting of such conditions to OSHA and actions taken by the agency or by the Commission.

To ensure proper and accurate operation of the agency's employee drug testing program under Executive Order 12564.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used to disclose information to the Department of Labor, Department of Veterans Affairs, Social Security Administration, or a national, state, or local social security type agency, when necessary to adjudicate a claim (filed by or on behalf of the individual) under a retirement, insurance, or health benefit program;

(2) Used to disclose information to a Federal, state, or local agency to the extent necessary to comply with laws governing reporting of communicable diseases;

(3) Used to disclose information to officials of the Merit Systems Protection Board including the Office of Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, arbitrators, and hearing examiners to the extent necessary to carry out their authorized duties;

(4) Used to disclose information to health insurance carriers contracting with the Office of Personnel Management to provide health benefits plan under the Federal Employees Health Benefits Program information necessary to verify eligibility for payment of a claim for health benefits. To disclose information to the Office of Federal Employees Group Life Insurance that is relevant and necessary to adjudicate claims;

(5) Used to disclose information, when an individual to whom a record pertains is mentally incompetent or under other legal disability, to any person who is responsible for the care of the individual, to the extent necessary. To disclose to the agency-appointed representative of an employee all notices, determinations, decisions, or other written communications issued to the employee, in connection with an examination ordered by the agency under:

(a) Medical evaluation (formerly Fitness for Duty) examinations procedures, or

(b) Agency-filed disability retirement procedures; and

(6) Used to disclose to a requesting agency, organization, or individual the

home address and other information concerning those individuals who it is reasonably believed might have contracted an illness or been exposed to or suffered from a health hazard while employed in the Federal work force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored in file folders.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Maintained in lockable rooms and cabinets. Access restricted to those agency personnel who require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Personnel,
Federal Trade Commission, 6th Street
and Pennsylvania Avenue, NW.,
Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the records are maintained, treating physicians, staff of medical facilities, witness statements, and others.

FTC-II-11**SYSTEM NAME:**

Personnel Security File—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street
and Pennsylvania Avenue, NW.,
Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees on whom Office of Personnel Management security investigations have been conducted.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, security investigation reports, adjudication files, card files, and position sensitivity designation files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450.

PURPOSE(S):

To conduct personnel security investigations; to make determinations required based upon the results of those investigations; and to maintain records of the investigations and determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used to disclose to an agency in the executive, legislative, or judicial branch, in response to its request, information on the issuance of a security clearance or the conducting of a security or suitability investigation on individuals who, at the time the records are added to the system, were Commission employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored in file folders and on file cards.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Maintained in combination locked safe and lockable metal file cabinets, in locked rooms. Access is restricted to Personnel Security staff. Investigation reports may be reviewed by an agency official (who has been subject to a favorable background investigation) on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Investigation reports are retained for 15 years or until an employee separates from the agency. Records of adjudicative actions are maintained for two years.

SYSTEM MANAGER AND ADDRESS:

Security Officer, Division of
Personnel, Federal Trade Commission,
6th Street and Pennsylvania Avenue,
NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Office of Personnel Management Security Investigations Index, FBI Headquarters investigative files, fingerprint index of arrest records, Defense Central Index of Investigations, previous employers, references identified by record subject individual, school registrars, and responsive law enforcement agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 15 CFR 4.13(m).

FTC-II-12**SYSTEM NAME:**

Training Reservation System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees who registered to attend training courses offered by the Commission's Information Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee identification number, course number, course title, course date and time, and attendance indicator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To provide information to agency managers necessary to indicate the training that has been requested and provided to individual employees; to determine course offerings and frequency; and to manage the training program administered by the Information Center.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on computer disk and tape.

RETRIEVABILITY:

Indexed by employee identification number.

SAFEGUARDS:

Access to computerized records controlled by "user id" and password combination and restricted to staff whose duties require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Library, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and Information Center staff responsible for the training program.

III. Financial Systems of Records**FTC-III-1****SYSTEM NAME:**

Payroll Processing System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

General Services Administration, 1500 E. Bannister Road, Kansas City, Missouri 64131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All payroll information on individual FTC employees, including basic employment information, pay and deduction information, and leave and tax information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301.

PURPOSE(S):

To pay and compensate FTC employees properly in accordance with

applicable laws and regulations and to maintain records of those payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Records identifying the work schedule of an individual may be made available to other staff and the public;

(2) Referral of unemployment compensation information to state and local unemployment compensation boards; and

(3) Referral of information to the Office of Personnel Management (OPM) concerning pay, benefits, retirement deductions, and other information necessary for OPM to carry out its government-wide personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored in comprehensive payroll file folders at the system location in Washington, DC, and on computer disk and tape at the General Services Administration.

RETRIEVABILITY:

Indexed by social security number.

SAFEGUARDS:

Hardcopy records maintained in lockable rooms and access to computerized records controlled by "user id" and password combination. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained according to National Archives and Records Administration schedule of retention and disposal.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Budget and Finance, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Pay forms completed by individual about whom the records are maintained; agency personnel records.

FTC-III-2**SYSTEM NAME:**

Payroll—Retirement Records—FTC.

SECURITY CLASSIFICATION:

Not applicable

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

General Services Administration, 1500 E. Bannister Road, Kansas City, Missouri 64131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC employees who qualify for federal retirement benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll information relating to retirement benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5301, 5501, 6101, 6301, and 8301.

PURPOSE(S):

To maintain and process payroll information relating to retirement benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used to calculate retirement benefits;

(2) Referred to Office of Personnel Management (OPM) upon retirement or resignation from federal service and answering employee inquiries regarding their retirement contributions while with the agency; and

(3) Referred to OPM concerning pay, benefits, retirement deductions, and other information, for OPM to carry out its government personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on computer tape at the General Services Administration or at the FTC on individual cards for those not included in the regular payroll system.

RETRIEVABILITY:

Indexed by social security number.

SAFEGUARDS:

Hardcopy records maintained in lockable rooms and access to computerized records controlled by "user ID" and password combination. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are held for length of service of employee while at FTC. Information forwarded to next employing agency or OPM upon separation from FTC.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Budget and Finance, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Payroll system; agency personnel and payroll records.

FTC-III-3**SYSTEM NAME:**

Financial Management System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Division of Budget and Finance, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC employees and others who travel or otherwise might be involved in situations in which they would receive payment or reimbursement from the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home and work address, employee identification number, social security number, personal credit card number on supporting receipts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701 *et seq.*

PURPOSE(S):

To maintain financial records concerning payment or reimbursement of expenses. These records are necessary to support and document expenses incurred in the performance of official agency duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Used in financial reports of the FTC.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on magnetic disks and tape.

RETRIEVABILITY:

Indexed by individual's name and employee identification number.

SAFEGUARDS:

Hardcopy records maintained in lockable cabinets and access to computerized records controlled by "user ID" and password combination. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained per National Archives and Records Administration schedule of retention and disposal.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Budget and Finance, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained.

IV. Correspondence Systems of Records**FTC-IV-1****SYSTEM NAME:**

Correspondence Control System—
FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street
and Pennsylvania Avenue, NW.,
Washington, DC 20580.

Regional Offices:

Atlanta Regional Office, 1718
Peachtree Street, NW., Room 1000,
Atlanta, Georgia 30367.

Boston Regional Office, 10 Causeway
Street, Room 1184, Boston,
Massachusetts 02222-1073.

Chicago Regional Office, 55 East
Monroe Street, Suite 1437, Chicago,
Illinois 60603.

Cleveland Regional Office, 668 Euclid
Avenue, Suite 520-A, Cleveland, Ohio
44114.

Dallas Regional Office, 100 N. Central
Expressway, Suite 500, Dallas, Texas
75201.

Denver Regional Office, 1405 Curtis
Street, Suite 2900, Denver, Colorado
80202-2393.

Los Angeles Regional Office, 11000
Wilshire Boulevard, Suite 13209, Los
Angeles, California 90024.

New York Regional Office, 150
William Street, Suite 1300, New York,
New York 10038.

San Francisco Regional Office, 901
Market Street, Suite 570, San Francisco,
California 94103.

Seattle Regional Office, 915 Second
Avenue, 2806 Federal Building, Seattle,
Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who communicate with
the Commission to complain about the
business practices of a company or
individual or request assistance in
resolving a problem; individuals who,
at the time the records are added to
the system, are Commission employees
assigned to process or respond to
correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of the individual
who communicates with the
Commission. The individual's letter and
supporting documents (sometimes
including social security and credit card
numbers and other personal
information). Information extracted from
those letters and supporting documents.
Name and employee identification

number of staff member assigned to
process or respond to letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To maintain records of complaints
and inquiries to enable the Commission
to track and respond to correspondence;
to identify consumer problems and
issues that may lead to law enforcement
investigations and litigations; to be
incorporated into law enforcement
investigations and litigations (when
used in connection with law
enforcement activities, also becomes
part of System I-1, Investigational, Legal
and Public Records); and to be
abstracted to provide statistical data on
the number and types of correspondence
received by the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures
generally permitted under 5 U.S.C.
552a(b), and the disclosure provisions
described in Appendix I of this notice,
records or information in these records
may be specifically disclosed pursuant
to 5 U.S.C. 552a(b)(3) as follows,
provided that no routine use specified
either herein or in Appendix I shall be
construed to limit or waive any other
routine use:

(1) May be referred to person,
partnership, or corporation complained
about or made available or referred to
federal, state, or local government
authorities for law enforcement
purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored in file folders and on magnetic
disks and tape.

RETRIEVABILITY:

Indexed by consumer's name,
correspondence number, company
complained about, FTC office receiving
complaint, name of staff member
assigned to the correspondence.

SAFEGUARDS:

Hardcopy records maintained in
lockable rooms and cabinets and access
to computerized records controlled by
"user id" and password combination.
Access restricted to those agency
personnel whose responsibilities require
access.

RETENTION AND DISPOSAL:

Letters retained for minimum of one
year; automated information retained
indefinitely.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Information Management
Branch, Information Management &
Dissemination Division, Federal Trade
Commission, 6th Street and
Pennsylvania Avenue, NW.,
Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom record is
maintained and agency staff assigned to
handle the correspondence.

V. Access Requests**FTC-V-1****SYSTEM NAME:**

Freedom of Information Act Requests
and Appeals—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street
and Pennsylvania Avenue, NW.,
Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing requests for access
to information under the Freedom of
Information Act (FOIA); individuals
who, at the time the records are added
to the system, are Commission
employees assigned to consider the
requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters to and from the requesting
party and agency documents generated
or collected during the consideration of
the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act;
Freedom of Information Act.

PURPOSE(S):

To consider requests for access to
records under the Freedom of
Information Act; to determine the status
of requested records; to respond to the
requests; to incorporate historically
valuable records into System VII-6,
Information Retrieval and Indexing
System; and to maintain records
outlining the consideration given to the
requests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Request and appeal letters, and agency letters responding thereto, are available to the public for inspection and copying.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Copies of request and appeal letters, and agency responses thereto, are stored in binders that are available to the public. Original request letters, appeal letters (if any), agency responses, and related internal memoranda, are stored in folders and on microforms in lockable file cabinets. Automated data stored on magnetic disks and tape.

RETRIEVABILITY:

Indexed by name of requesting party and subject matter of request.

SAFEGUARDS:

Requests, appeals, and responses available to the public. Nonpublic, hardcopy records maintained in lockable file cabinets and access to computerized records, controlled by "user id" and password combination. Access restricted to personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Supervisor, FOIA/PA and Correspondence Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Assistant General Counsel for Legal Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and agency staff assigned to consider the access request.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records contained in this system that have been placed on the FTC Public Record are available upon request. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-V-2**SYSTEM NAME:**

Privacy Act Requests and Appeals—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing requests for access to, correction of, or an accounting of disclosures of personal information contained in system of records maintained by the Commission, pursuant to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters to and from the requesting party and agency documents generated or collected during the consideration of the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Privacy Act.

PURPOSE(S):

To consider requests for access to records under the Privacy Act; to determine the status of requested records; to respond to the requests; and to maintain records outlining the consideration given to the requests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records and information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this

notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored in file folders.

RETRIEVABILITY:

Indexed by name of requesting party.

SAFEGUARDS:

Maintained in lockable offices and in lockable cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are maintained according to retention schedules of the National Archives and Records Administration.

SYSTEM MANAGER AND ADDRESS:

Supervisor, FOIA/PA and Correspondence Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Director, Division of Personnel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Assistant General Counsel for Legal Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom record is maintained and agency staff assigned to consider the request.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-V-3**SYSTEM NAME:**

Public Information Requests System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request copies of records that are part of the public record of the FTC; Individuals who, at the time the records are added to the system, are Commission employees assigned to respond to those requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and business affiliation, if available, of the individual requesting copies of public records; information identifying the records requested and the quantity provided; employee identification number associated with the staff member assigned to respond to the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To respond to requests for copies of public records of the FTC; to maintain records of the handling of those requests; to provide information necessary to maintain an appropriate inventory of publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records and information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on magnetic disks or tape.

RETRIEVABILITY:

Records retrieved by the name or address of the individual requesting copies of public records and by the employee identification number of the staff member responsible for handling the request.

SAFEGUARDS:

Access to computerized records controlled by "user id" and password combination; access restricted to personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records retained for up to one year after request is completed.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Records Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Name, address, and business affiliation provided by subject individual; employee identification number provided by assigned staff member.

VI. Mailing List Systems of Records**FTC-VI-1****SYSTEM NAME:**

Mailing Lists—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Regional Offices:

Atlanta Regional Office, 1718 Peachtree Street, NW., Room 1000, Atlanta, Georgia 30367.

Boston Regional Office, 10 Causeway Street, Room 1184, Boston, Massachusetts 02222-1073.

Chicago Regional Office, 55 East Monroe Street, Suite 1437, Chicago, Illinois 60603.

Cleveland Regional Office, 668 Euclid Avenue, Suite 520-A, Cleveland, Ohio 44114.

Dallas Regional Office, 100 N. Central Expressway, Suite 500, Dallas, Texas 75201.

Denver Regional Office, 1405 Curtis Street, Suite 2900, Denver, Colorado 80202-2393.

Los Angeles Regional Office, 11000 Wilshire Boulevard, Suite 13209, Los Angeles, California 90024.

New York Regional Office, 150 William Street, Suite 1300, New York, New York 10038.

San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, California 94103.

Seattle Regional Office, 2806 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have indicated an interest in receiving FTC materials or who are participants in matters under consideration at the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains some or all of the following: name, title, company or organization, and mailing address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To assist the Commission in the distribution of documents and information to individuals who request such materials and to individuals who are served official documents during the course of a Commission proceeding.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on magnetic disks and tapes.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Access to records restricted by "user id" and password combination and limited to staff whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained until individual requests deletion or distribution of records from the associated matter is not anticipated.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Information Management Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individuals requesting Commission documents and information and staff members involved in Commission proceedings.

VII. Miscellaneous Systems of Records**FTC-VII-1****SYSTEM NAME:**

Automated Serials Routing System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Readers of FTC Library periodicals listed in the routing system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and office location of the reader, employee identification number, and the name and number of the periodical.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To manage the routing of serials among FTC employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on magnetic disks and tape.

RETRIEVABILITY:

Indexed by periodical number and employee identification number.

SAFEGUARDS:

Access to computerized records controlled by "user id" and password combination and restricted to staff whose duties require access

RETENTION AND DISPOSAL:

Record maintained as long as reader wishes to be on the routing system.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Library, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained.

FTC-VII-2**SYSTEM NAME:**

Employee Locator System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current FTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employee identification number, building code, office room number, office telephone, mail drop code, electronic mail user identification, and default printer designation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To maintain records that will assist in locating and communicating with FTC employees; to identify mail locator listings used by mail room personnel; and to identify, in other Commission automated information systems, Commission staff names and locations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

- (1) Used to produce the FTC Directory which is used by all agency personnel and made available to the public; and
- (2) Used to provide employee locator information to the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

All data stored on magnetic disks and tape; FTC Directory printed and distributed to staff and the public.

RETRIEVABILITY:

Indexed by individual's name or employee identification number.

SAFEGUARDS:

Certain information is available to the public. Access to other information restricted to agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Information is continuously updated; data is erased from the system after the individual is no longer employed by the Commission.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Information Management Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained; administrative officers.

FTC-VII-3**SYSTEM NAME:**

Computer Systems User Identification—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees and others with access to FTC computer systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; employee identification number; organization; systems to which individual has access; systems and services used; amount of time spent using each system; number of usage sessions; cost of some usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To monitor and control costs of usage of computer systems; to prepare budget requests for automated services; to identify the need for and to conduct training programs; to monitor security on computer systems; and to add and delete users.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records stored on magnetic disks and tape; paper records stored in lockable file cabinets.

RETRIEVABILITY:

Indexed by individual's name; employee identification number; and organization code.

SAFEGUARDS:

Access to computerized records controlled by "user id" and password combination. Access to all records restricted to agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Computer records are retained indefinitely; summary annual paper reports are retained indefinitely and other paper reports are retained for one year.

SYSTEM MANAGER AND ADDRESS:

Director, Automated Systems Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Supervisor, Information Management Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom record is maintained; internal and external information systems that record usage.

FTC-VII-4**SYSTEM NAME:**

Standard Name System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who interact with the Commission, including: participants in Commission investigations, rulemaking, advisory, and law enforcement proceedings; parties requesting formal advisory opinions; consumers who received redress or who are entitled to redress pursuant to Commission or court orders; parties about whom complaints or inquiries are received; and other parties with whom the Commission interacts. (Businesses, proprietorships, or corporations are not covered by this Privacy Act System of Records.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual and associated code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To standardize presentation of names found in Commission information systems; and to determine codes that are to be recorded in other agency information systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on magnetic disks and tape and on microfiche.

RETRIEVABILITY:

Indexed by individual's name and identification number.

SAFEGUARDS:

Access to view or add records available to all users of FTC automated information systems. Access to change records limited to agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Information Management Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Agency staff and members of the public.

FTC-VII-5**SYSTEM NAME:**

Property Management System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees assigned responsibility for Commission physical resources.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual employee; employee identification number; property item assigned to individual; equipment maintenance information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To maintain and control physical resources; to conduct routine and periodic maintenance on equipment; and to maintain and confirm an inventory of physical resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records stored on magnetic disks and tape; paper records stored in lockable file cabinets.

RETRIEVABILITY:

Indexed by employee name, employee identification number, and assigned organization.

SAFEGUARDS:

Access to automated records controlled by password. Access restricted to agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained for the life of the physical resource.

SYSTEM MANAGER AND ADDRESS:

Chief, Office Systems Branch, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual responsible for the equipment and staff responsible for maintaining the equipment.

FTC-VII-6**SYSTEM NAME:**

Information Retrieval and Indexing System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including those who at the time the records are added to the system are Commission employees and

others, who have written documents contained in Commission files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of author and documents written by that individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To provide staff with access to individual documents that are needed for legal and economic research activities of the Commission and to provide the public with access to individual documents outlining the actions and considerations of the Commission, individual Commissioners, and the staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on magnetic disks and tape and on microfiche.

RETRIEVABILITY:

Indexed by author of the document.

SAFEGUARDS:

Access to nonpublic documents restricted, through the use of "user id" and password combination, to agency personnel whose responsibilities require access. Access to other documents available to the public.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Supervisor, Information Management Branch, Information Management & Dissemination Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

FTC employees and others who submit documents to the Commission.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records contained in this system that have been placed on the FTC Public Record are available upon request. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

FTC-VII-7**SYSTEM NAME:**

Service Order System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees who requested service related to the automated information equipment and systems available to the staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include employee name, organization code, telephone number, date of reported problem, nature of problem, and action taken to resolve problem.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To record the receipt of requests for service and the actions taken to resolve those requests; to provide agency management with information identifying trends in questions and problems for use in managing the Commission's hardware and software resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

On computer disk and tape.

RETRIEVABILITY:

Indexed by employee name and tracking number assigned to each service request.

SAFEGUARDS:

Access to computerized records controlled by "user id" and password combination and restricted to staff whose duties require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Automated Systems Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and staff who responded to the request for service.

FTC-VII-8**SYSTEM NAME:**

Service Call System—FTC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, at the time the records are added to the system, are Commission employees who requested service related to building maintenance and administrative support services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include employee name, organization code, telephone number, date of reported problem, nature of problem, and action taken to resolve problem.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

PURPOSE(S):

To record the receipt of requests for service and the actions taken to resolve those requests; to provide agency

management with information identifying trends in questions and problems for use in managing the Commission's physical resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as described in Appendix I of this notice, provided that no routine use specified therein shall be construed to limit or waive any other routine use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on magnetic disks and tape.

RETRIEVABILITY:

Indexed by employee name and tracking number assigned to each service request.

SAFEGUARDS:

Access to computerized records controlled by "user id" and password combination and restricted to staff whose duties require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Procurement and General Services, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

NOTIFICATION PROCEDURE; RECORD ACCESS PROCEDURE; AND CONTESTING RECORD PROCEDURE:

See Appendix II.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained and staff who responded to the request for service.

Appendix I

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the routine uses specifically described in each system of records notice, records or information in the systems of records maintained by the Federal Trade Commission may be disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified herein shall be construed to limit or waive any other routine use specified either herein or in the text of the individual system of records notice:

(1) If the record has been appropriately incorporated into the records maintained in FTC System of Records II-6, Discrimination Complaint System—FTC, the record may be

disclosed under the routine uses associated with that system;

(2) May be disclosed to the National Archives and Records Administration for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906;

(3) May be disclosed to other agencies, offices, establishments, and authorities, whether federal, state, local, foreign, or self-regulatory (including, but not limited to organizations such as professional associations or licensing boards), authorized or with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record of information by itself or in connection with other records or information:

(a) Indicates a violation or potential violation of law, whether criminal, civil, administrative, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, or

(b) Indicates a violation or potential violation of a professional, licensing, or similar regulation, rule, or order, or otherwise reflects on the qualifications or fitness of an individual who is licensed or seeking to be licensed;

(4) May be disclosed to any source, private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of a legitimate investigation or audit;

(5) May be disclosed to any authorized agency component of the Federal Trade Commission, Department of Justice, or other law enforcement authorities, and for disclosure by such parties:

(a) To the extent relevant and necessary in connection with litigation in proceedings before a court or other adjudicative body, where (i) the United States is a party to or has an interest in the litigation, including where the agency, or an agency component, or an agency official or employee in his or her official capacity, or an individual agency official or employee whom the Department of Justice has agreed to represent, is or may likely become a party, and (ii) the litigation is likely to affect the agency or any component thereof; or

(b) To obtain advice, including advice concerning the accessibility of a record or information under the Privacy Act or the Freedom of Information Act;

(6) May be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the subject individual, but only to the extent that the record would be legally accessible to that individual;

(7) May be disclosed to debt collection contractors for the purpose of collecting debts owed to the government, as authorized under the Debt Collection Act of 1982, 31 U.S.C. 3718, and subject to applicable Privacy Act safeguards;

(8) May be disclosed to a grand jury agent pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court; and

(9) May be disclosed to the Office of Management and Budget (OMB) for the purpose of obtaining advice regarding agency obligations under the Privacy Act, or in connection with the review of private relief legislation pursuant to OMB Circular A-19.

Appendix II

Under the provisions of 5 U.S.C. 552a(d) an individual may request notification as to

whether a system of records contains records retrieved using his or her personal identifier, may request access to records in a system of records, and may contest the accuracy or completeness of records. Each of those actions may be initiated by the individual by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows:
Privacy Act Request

Deputy Executive Director for Planning and Information, Federal Trade Commission,
6th Street and Pennsylvania Avenue, NW.,
Washington, DC 20580

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-23613 Filed 10-1-92; 8:45 am]

BILLING CODE 6750-01-M

Reader Aids

Federal Register

Vol. 57, No. 192

Friday, October 2, 1992

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202-523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-3187
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	512-1557

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230
---------------------	----------

Other Services

Data base and machine readable specifications	523-3447
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, OCTOBER

45261-45558.....	1
45559-45708.....	2

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:	
12775 (Continued by Notice of September 30, 1992).....	45557
12779 (Continued by Notice of September 30, 1992).....	45557

Administrative Orders:

Notices: September 30, 1992.....	45557
-------------------------------------	-------

5 CFR

630.....	45261
----------	-------

7 CFR

916.....	45559
917.....	45559
948.....	45560
1065.....	45562, 45563
1137.....	45564
1494.....	45262

Proposed Rules:

910.....	45581
1106.....	45583

10 CFR

30.....	45566
35.....	45566

12 CFR

327.....	45263
Proposed Rules:	
935.....	45338
940.....	45338

14 CFR

Proposed Rules:	
39.....	45584-45586
71.....	45660

16 CFR

Proposed Rules:	
4.....	45676

17 CFR

210.....	45287
240.....	45287
249.....	45287
259.....	45287
274.....	45287

21 CFR

5.....	45294
310.....	45310
Proposed Rules:	
1401.....	45353

24 CFR

888.....	45468
----------	-------

26 CFR

1.....	45568, 45660
Proposed Rules:	
1.....	45587

27 CFR

Proposed Rules:	
9.....	45588
17.....	45357
19.....	45357
70.....	45357
170.....	45357
194.....	45357
197.....	45357
250.....	45357

29 CFR

1602.....	45570
-----------	-------

30 CFR

917.....	45295
----------	-------

33 CFR

100.....	45570
Proposed Rules:	
151.....	45591
164.....	45662-45667
165.....	45596

37 CFR

202.....	45307
----------	-------

39 CFR

20.....	45570
---------	-------

40 CFR

35.....	45311
271.....	45514
272.....	45575
Proposed Rules:	
Ch. I.....	45597
52.....	45358, 45360
63.....	45363
300.....	45597, 45599

43 CFR

Public Land Orders:	
1567 (Revoked in part by PLO 6948).....	45325
5712 (Revoked by PLO 6946).....	45322
6944.....	45321
6946.....	45322
6948.....	45324
6949.....	45576

45 CFR

1224.....	45325
-----------	-------

46 CFR
Proposed Rules:
 35..... 45667

47 CFR
 73.....45577-45579
Proposed Rules:
 73..... 45601

48 CFR
 30..... 45422
 202..... 45422
 204..... 45422
 208..... 45422
 210..... 45422
 214..... 45326
 215..... 45422
 216..... 45422
 219..... 45422
 223..... 45422
 225..... 45422
 226..... 45422
 227..... 45422
 228..... 45422
 231..... 45422
 232..... 45422
 236..... 45422
 237..... 45422
 239..... 45422
 242..... 45422
 245..... 45422
 252..... 45422
 253..... 45422

49 CFR
 107..... 45446
 171..... 45442, 45446
 172..... 45446
 173..... 45446
 174..... 45446
 176..... 45446
 177..... 45446
 178..... 45446
 179..... 45446
 180..... 45446
 214..... 45446
 571..... 45327, 45422
Proposed Rules:
 1039..... 45602

50 CFR
 17..... 45328
 285..... 45579
 672..... 45580
Proposed Rules:
 675..... 45602

S. 680/P.L. 102-372
 Tourism Policy and Export
 Promotion Act of 1992. (Sept.
 30, 1992; 106 Stat. 1170; 14
 pages) Price: \$1.00

S.J. Res. 337/P.L. 102-373
 Designating September 18,
 1992, as "National POW/MIA
 Recognition Day", and
 authorizing display of the
 National League of Families
 POW/MIA flag. (Sept. 30,
 1992; 106 Stat. 1184; 2
 pages) Price: \$1.00

Last List September 30, 1992

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** Service for Public Law Numbers is available on 202-275-1538 or 275-0920.

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).