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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV-92-046FR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Finalize Temporary Relaxed Grade Requirements for 1991-92 Season Red and White Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, with appropriate corrections, the provisions of an interim final rule which relaxed minimum grade requirements for domestic shipments of red and white seedless grapefruit to U.S. No. 2 Russet from Improved No. 2 through August 16, 1992. The external requirements of the U.S. No. 2 Russet grade permits additional amounts of discoloration than allowed under the improved No. 2 grade, while the internal quality requirements for both grades are the same. The relaxation was based on this season's current and prospective crop and market conditions, and on the grade composition of the remaining grapefruit supplies.

EFFECTIVE DATE: October 26, 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 2525-S, Washington, DC 20090-6456; telephone: (202) 720-5331.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This 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 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. 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 8c(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 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 about 100 Florida citrus handlers subject to regulation under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida, and about 10,200 producers of these citrus fruits in Florida. 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. A minority of these handlers and a majority of the producers may be classified as small entities.

The Citrus Administrative Committee (committee), which administers the marketing order locally, met March 5, 1992, and unanimously recommended the relaxation for grapefruit. The committee meets prior to and during each season to review the handling regulations effective on a continuous basis for each citrus fruit regulated under the marketing order. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee and other available information and determines whether modification, suspension, or termination of the handling regulations would tend to effectuate the declared policy of the Act.

The interim final rule was issued on April 30, 1992, with an effective date of April 30, 1992, and published in the **Federal Register** (57 FR 19518, May 7, 1992, and corrected at 57 FR 31235, July 14, 1992). The interim final rule provided a 30-day comment period ending June 8, 1992, and no comments were received. However, the Department identified several printing errors in the interim final rule as published and corrected by the **Federal Register**, which are being corrected by this final rule.

Section 905.306 (7 CFR 905.306) specifies minimum grade and size requirements for Florida citrus. Such requirements for domestic shipments are specified in that section in Table I of paragraph (a), and for export shipments in Table II of paragraph (b). Export requirements are not changed by this rule.

The interim final rule relaxed the minimum grade requirement for domestic shipments of red and white

seedless grapefruit to U.S. No. 2 Russet from Improved No. 2 through August 16, 1992. The external requirements of the U.S. No. 2 Russet grade permits additional amounts of discoloration than is allowed under the Improved No. 2 grade, while the internal quality requirements for the two grades are the same. The Florida grapefruit shipping season normally begins in September and continues until the following August.

The committee recommended the relaxation based on its analysis of Florida's red and white seedless grapefruit crop remaining at that time for harvest this season. The relaxation provided Florida shippers with the alternative of shipping grapefruit grading U.S. No. 2 Russet to the fresh market, rather than diverting such fruit to processing channels where returns were expected to be lower than in the fresh market. The demand for fresh U.S. No. 2 Russet grade grapefruit was expected to be good during the remainder of the 1991–92 season, and it was expected to meet consumer acceptance.

The grade relaxation only pertained to the external characteristics of the fruit, not the internal quality, and recognized the fact that the external appearance of grapefruit tends to deteriorate during the latter part of the season. This relaxation was expected to assure that fresh domestic markets are supplied with the best quality fruit available from this season's remaining crop, and enable handlers to maximize fresh market shipments consistent with the overall quality of the remaining crop and anticipated market demand. The relaxation was intended to make increased supplies of fresh grapefruit available to consumers from this season's remaining crop.

The minimum grade requirements under the marketing order are designed to provide fresh markets with fruit of acceptable quality, thereby maintaining consumer confidence for fresh Florida citrus. This helps create buyer confidence and contributes to stable marketing conditions. This is in the interest of producers, packers, and consumers, and is designed to increase returns to Florida citrus growers.

Under the marketing order for Florida citrus, handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day, and up to two standard packed cartons of fruit per day in gift packages which are individually addressed and not for resale, under exemption provisions. Fruit shipped for animal feed is also exempt under specific conditions. In addition, fruit shipped to commercial processors for conversion into canned or frozen products or into a beverage base are not subject to the handling requirements.

This action reflects the committee's and the Department's appraisal of the need to maintain the relaxed grade requirements currently in effect for domestic shipments of red and white seedless grapefruit grown in Florida. The Department's view is that this action will have a beneficial impact on producers and handlers, since it will allow Florida citrus handlers to continue to make those grades of fruit available to meet consumer needs, consistent with this season's crop and market conditions.

Based on the above, 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 committee, and other information, it is found that finalizing the interim final rule, as published in the **Federal Register** (57 FR 19518, May 7, 1992; and corrected at 57 FR 31235, July 14, 1992), with the corrections herein specified, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action finalizes minimum grade requirements currently in effect for Florida red and white seedless grapefruit; (2) this action corrects several **Federal Register** printing errors which must be made as soon as possible for the benefit of the Florida grapefruit industry; (3) the interim final rule provided a 30-day comment period, and no comments were received; and (4) no useful purpose would be served by delaying the effective date until 30 days after publication.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

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

2. Accordingly, the interim final rule amending the provisions of § 905.306, which was published in the **Federal Register** (57 FR 19518, May 7, 1992; and corrected at 57 FR 31235, July 14,1992), is adopted as a final rule with the following corrections. Section 905.306 is amended by revising the entries for "seedless, red grapefruit", and "seedless, except red grapefruit" in paragraph (a), Table I, to read as follows:

Note: This section will appear in the annual Code of Federal Regulations.

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation.

(a) * * *

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
* * *	* * *	* * *	
Grapefruit:			
* * *	* * *	* * *	
Seedless, red	04/30/92–08/16/92	U.S. No. 2 Russet External, U.S. No. 1 Internal	3–5/16
	08/17/92–10/25/92	Improved No. 2 External, U.S. No. 1 Internal	3–5/16
	On & after 10/26/92	Improved No. 2 External, U.S. No. 1 Internal	3–9/16
Seedless except red	04/30/92–08/16/92	U.S. No. 2 Russet External, U.S. No. 1 Internal	3–5/16
	On & after 08/17/92	Improved No. 2 External, U.S. No. 1 Internal	3–9/16
* * *	* * *	* * *	

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92-25830 Filed 10-23-92; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 907 and 908

[FV-92-907-2IFR]

Navel and Valencia Oranges Grown in Arizona and Designated Parts of California; Expenses and Assessment Rates for the 1992-93 Fiscal Years

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes assessment rates under Marketing Order Nos. 907 and 908 for California-Arizona navel and Valencia oranges, respectively, for the 1992-93 fiscal years established for each order. Funds to administer these programs are derived from assessments on handlers. These actions are needed in order for the Navel and Valencia Orange Administrative Committees, which are responsible for local administration of the respective orders, to have sufficient funds to meet the expenses of operating the programs. Expenses are incurred on a continuous basis.

DATES: This interim final rule becomes effective on November 1, 1992. Comments which are received by November 25, 1992 will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Christian D. Nissen, Marketing Specialist, MOAB, F&V, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456; telephone: (202) 720-5127.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Order Nos. 907 and 908 (7 CFR parts 907 and 908), both as amended, regulating the handling of California-Arizona navel and Valencia oranges, respectively. Both 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 interim 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing orders now in effect, California-Arizona navel and Valencia oranges are subject to assessments. It is intended that the assessment rates specified herein be made applicable to all assessable navel and Valencia oranges during the 1992-93 fiscal years, beginning on November 1, 1992. This interim 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 request 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 or her 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 interim 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 approximately 130 handlers of navel oranges and 115 handlers of Valencia oranges subject to regulation under the respective marketing orders. There are approximately 4,000 producers of navel oranges and 3,500 producers of Valencia oranges in the regulated areas. 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 navel and Valencia oranges may be classified as small entities.

The navel and Valencia orange marketing orders require that assessment rates for a particular fiscal year shall apply to all assessable navel or Valencia oranges handled from the beginning of such year. Annual budgets of expenses are prepared by the Naval Orange Administrative Committee (NOAC) and the Valencia Orange Administrative Committee (VOAC) and submitted to the Department for approval. The members of the NOAC and VOAC are handlers and producers of navel and Valencia oranges. They are familiar with the NOAC's and VOAC's 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 expected shipments of navel or Valencia oranges. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay each committee's expected expenses. The recommended budget and rate of assessment is usually acted upon by each committee 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 individual expenses.

The NOAC met on September 15, 1992, and recommended, by a vote of eight in favor, one opposed, and one abstention, 1992-93 fiscal year expenditures of $1,463,270 and an assessment rate of $0.0316 per carton of navel oranges. In comparison, 1991-92 fiscal year budgeted expenditures were

$1,255,760, and the assessment rate was $0.0315 per carton. Major expenditure categories in the 1992–93 budget are $496,010 for program administration, $206,800 for compliance activities, $591,360 for the field department, $165,700 for direct expenses, and $3,400 for a salary reserve. This compares to $388,490, $194,315, $512,295, $157,300, and $3,360, respectively, for the 1991–92 fiscal year. Assessment income for 1992–93 is expected to total $1,374,600, based on shipments of 43.5 million cartons of oranges. Interest and incidental income is estimated at $44,100. The increase in the assessment rate was recommended to minimize the expected shortfall in income. The NOAC plans on utilizing $44,570 from its reserve to cover the difference between income and expenses.

The VOAC also met on September 15, 1992, and unanimously recommended 1992–93 fiscal year expenditures of $724,330 and an assessment rate of $0.032 per carton of Valencia oranges. In comparison, 1991–92 fiscal year budgeted expenditures were $661,540, and the assessment rate was the same. Major expenditure categories in the 1992–93 budget are $228,090 for program administration, $95,100 for compliance activities, $271,940 for the field department, $127,600 for direct expenses, and $1,600 for a salary reserve. This compares to $189,510, $94,785, $249,905, $125,700, and $1,640, respectively, for the 1991–92 fiscal year. Assessment income for 1992–93 is expected to total $640,000 based on shipments of 20 million cartons of oranges. Interest and miscellaneous income is estimated at $25,900. The VOAC plans on utilizing $58,430 from its reserve to cover the difference between income and expenses.

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 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 the information and recommendations submitted by the NOAC and the VOAC and other available information, it is found that this rule will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The NOAC and VOAC need to have sufficient funds to pay their expenses which are incurred on a continuous basis; (2) the fiscal years for the NOAC and VOAC begin on November 1, 1992, and the marketing orders require that the rates of assessment for the fiscal year apply to all assessable navel and Valencia oranges handled during the fiscal year; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects

7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

7 CFR Part 908

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 907 and 7 CFR part 908 are amended as follows:

1. The authority citation for both 7 CFR parts 907 and 908 continues to read as follows:

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

2. A new § 907.230 is added to read as follows:

§ 907.230 Expenses and assessment rate.

Expenses of $1,463,270 by the Navel Orange Administrative Committee are authorized and an assessment rate of $0.0316 per carton of navel oranges is established for the fiscal year ending on October 31, 1993. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

3. A new § 908.232 is added to read as follows:

§ 908.232 Expenses and assessment rate.

Expenses of $724,330 by the Valencia Orange Administrative Committee are authorized and an assessment rate of $0.032 per carton of Valencia oranges is established for the fiscal year ending on October 31, 1993. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25825 Filed 10–23–92; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 917

[Docket No. FV-92-041FR]

Fresh Pears and Peaches Grown in California; Relaxation of Grade Requirements for Organic Pears for the 1992 Season

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule is adopting, without modifications, the provisions of an interim final rule which relaxed grade requirements for fresh shipments of Bartlett and Max-Red (Max-Red Bartlett, Red Bartlett) organic pears grown in California during the 1992 season. Organic pears are produced without the application of synthetically compounded fertilizers, pesticides, and growth regulators. The relaxation would facilitate the marketing of organic pears grown in California.

DATES: This final rule becomes effective November 25, 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 No. 917 (7 CFR part 917) regulating the handling of fresh pears and peaches grown in California. 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 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. This action is not intended to have retroactive effect. This 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 8c(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 request 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 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 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 45 California pear handlers subject to regulation under the order, and approximately 300 producers of pears in the production area. Small agricultural service firms are defined as those whose annual receipts are less than $3,500,000, and 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. A majority of these handlers and producers may be classified as small entities.

Handling regulations effective under this marketing order are effective on a continuing basis, subject to amendment, modification, or suspension as may be recommended by the Pear Commodity Committee (committee) and approved by the Secretary. The committee met February 6, 1992, and unanimously recommended that grade requirements for organic pears be relaxed to permit shipment of fruit with more appearance defects during the 1992 season.

Shipments of fresh California Bartlett and Max-Red (Max-Red Bartlett, Red Bartlett) pears are currently regulated by grade and size under § 917.461 (7 CFR 917.461, as amended at 56 FR 32062) of the marketing order. Under these requirements, such pears must grade at least U.S. Combination with 80 percent, by count, grading U.S. No. 1 and the balance grading U.S. No. 2. The interim final rule relaxed these grade requirements to permit organic pears to be shipped if they grade at least U.S. Combination with 50 percent, by count, grading U.S. No. 1 and the remainder grading at least U.S. No. 2. Also, russeting, a discoloration of the skin of the fruit, is no longer scored as a defect for organic pears.

Organic pears are defined in § 917.461 of the regulations as pears which are produced, harvested, distributed, stored, processed and packaged without the application of synthetically compounded fertilizers, pesticides or growth regulators. Additionally, no synthetically compounded fertilizers, pesticides or growth regulators shall be applied by the grower to the orchard in which the pears are grown for 12 months prior to the appearance of flower buds and throughout the entire pear growing and harvest season. Handlers who ship organic pears must provide, upon request, proof that such pears are grown in accordance with the provisions cited above.

The relaxation is expected to facilitate the marketing of organic pears, provide handlers with the opportunity to better meet the needs of organic pear consumers, and result in overall larger shipments of organic pears during the 1992 season. This relaxation is the same as relaxations made for organic pears for each of the past three seasons, and reflects the organic pear industry's experience in producing and marketing organic pears over that time.

Other handling requirements currently in effect for organic pears under § 917.461, including size, container and pack, remain in effect unchanged for 1992 season shipments.

This action reflects the committee's and the Department's appraisal of the need to relax the grade requirements for organic pear shipments. The Department's view is that the relaxation will not adversely affect marketing conditions for non-organic pears, particularly since organic fruit is normally sold in specialty markets.

The interim final rule was published in the **Federal Register** with an effective date of July 14, 1992. That rule provided a 30-day comment period which ended August 13, 1992. No comments were received.

Based on the above, 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 committee, and other information, it is found that this action will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 917

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

For the reasons set forth in the preamble, 7 CFR part 917 is amended as follows:

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 917 continues to read as follows:

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

2. Accordingly, the interim final rule amending the provision of § 917.461, which was published in the **Federal Register** (57 FR 31092, July 14, 1992), is adopted as a final rule.

Note: This section will appear in the annual Code of Federal Regulations.

Dated: October 20, 1992.

Darrell J. Breed,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25823 Filed 10–23–92; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 946

[Docket No. FV-92-038FR]

Irish Potatoes Grown in Washington; Changes to the Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting without modification, as a final rule, the provisions of an interim final rule which revised the minimum size requirements for potatoes grown in Washington. This action: (1) Reduces the minimum size from 1⅞ inch to 1-inch in diameter for round and long white types of potatoes; (2) specifies new container sizes (three pounds or less net weight) for all types

and sizes of potatoes; and (3) categorizes potatoes in the handling regulations under the marketing order by skin-color, flesh-color or varietal type rather than only by varietal type. This action also removes from the Washington potato handling regulations provisions regarding potato import regulations to eliminate duplication and prevent confusion. The State of Washington Potato Committee (Committee) unanimously recommended the revisions at its February 6, 1992, meeting to provide producers and handlers an opportunity to supply a growing market for smaller-sized potatoes packed in specialty consumer containers and standard commercial containers, and to clarify the handling regulations so they will be consistent with inspection certification procedures.

EFFECTIVE DATE: November 25, 1992.

FOR FURTHER INFORMATION CONTACT: Dennis West, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Northwest Marketing Field Office, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone (503) 326-2724, or Patricia A. Petrella, Marketing Specialist, F&V, AMS, USDA, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-3610.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 946 (7 CFR Part 946), both as amended, regulating the handling of Irish potatoes grown in the State of Washington and 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 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. This action is not intended to have retroactive effect. 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 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 50 handlers of Washington potatoes who are subject to regulation under the marketing order and approximately 450 producers in the regulated area. 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 handlers and producers of Washington potatoes may be classified as small entities.

The Committee's recommendations are authorized pursuant to section 946.51 and section 946.52 of the marketing order.

The interim final rule published July 9, 1992 (57 FR 30379), made three revisions in the marketing order's handling regulations. The first revision reduced the minimum size from 1⅞ inch to 1-inch in diameter for round and long white types of potatoes. Currently, the regulations provide only for a 1-inch diameter minimum size for round red and yellow-fleshed potato types, if such potatoes meet or exceed U.S. No. 1 grade requirements. The Committee recommended 1-inch diameter round and long white types also be required to meet U.S. No. 1 grade. U.S. No. 1 grade consists of potatoes which are similar in varietal characteristics, firm, fairly clean, fairly well-shaped, and free from damage.

The second revision allowed handlers to pack any type or size of potato, in containers containing a net weight of 3 pounds or less, if those potatoes are U.S. No. 1 grade or better. This revision allowed handlers to pack all smaller-sized types of potatoes into specialty consumer containers to supply the growing market for smaller-sized potatoes packed in such containers. A handler who wishes to pack smaller-sized potatoes may accumulate, over a period of time, such potatoes in bulk containers to be packed later or packed at another facility. These potatoes will be required to meet the U.S. No. 1 grade requirements at the time of packaging.

Growers will benefit because these smaller potatoes are usually culled out, sent to the dehydrator, used for cattle feed, or not harvested at all. This rule allows growers to market more of their crop and provide a greater range of potato sizes to give consumers more choices. Producers usually receive better returns when their crop is sold for fresh use because potatoes disposed of to dehydrators or used for cattle feed generally yield lower returns.

The third revision categorized potatoes in the handling regulations under the marketing order by skin-color, flesh-color or varietal type rather than only by varietal type. Currently, the handling regulations specify requirements for varietal types of potatoes. For example, § 946.336(b)(2) specifies minimum maturity requirements for Norgolds, Burbanks, and White Rose potato varieties. These varieties are all referred to as white or Russet types of potatoes. The Committee indicated that the Federal-State inspection service inspects potatoes and certifies according to skin-color, flesh-color or varietal type (i.e., round red, round and long whites, yellow fleshed, and Russet) rather than to specific varietal types of potatoes. This revision clarified the handling regulations so that they will be consistent with inspection and certification procedures.

In a separate action (57 FR 30380, July 9, 1992), the import regulation was revised to allow importers to import any size of red-skinned round type potatoes in containers containing a net weight of 3 pounds or less during the months the potato import regulation is based on Washington marketing order requirements, if the potatoes are U.S. No. 1 grade or better. Such a change to the import regulation is required under section 8e of the Act. Section 8e requires imported potatoes meet the same or comparable requirements as established under the domestic marketing order with

which the imports most directly compete.

In addition, § 946.336(i) was removed from the handling regulations. That paragraph stated the same information that is contained in § 980.1 of the import regulations. Since the same information applicable to imported potatoes is contained in the import regulations, paragraph (i) in the domestic handling regulations was deleted to eliminate duplication or confusion.

The interim final rule provided that interested persons could file written comments through August 10, 1992. No comments were received.

Based on available information, the Administrator of the AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented and the Committee's recommendation, it is found that the revisions to the handling regulations will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

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

2. Accordingly, the interim final rule revising § 946.336, which was published at 57 FR 30379 on July 9, 1992, is adopted as a final rule without change.

Dated: October 20, 1992.

William D. Paterson,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25827 Filed 10–23–92; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 966

[Docket No. FV92-966-1IFR]

Tomatoes Grown in Florida; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 966 for the 1992–93 fiscal period (August 1, 1992, through July 31, 1993). Authorization of this budget enables the Florida Tomato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective August 1, 1992, through July 31, 1993. Comments received by November 25, 1992, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: John R. Toth, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276, telephone 813–299–4770, 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 issued under Marketing Agreement No. 125 and Order No. 966 (7 CFR part 966), regulating the handling of tomatoes grown in Florida. The marketing agreement and order are effective under the Agricultural Marketing Agreement 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, Florida tomatoes are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable tomatoes handled during the 1992–93 fiscal period, which began August 1, 1992, through July 31, 1993. This interim 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. 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 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 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 250 producers of Florida tomatoes under this marketing order, and approximately 50 handlers. 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 Florida tomato producers and handlers may be classified as small entities.

The budget of expenses for the 1992–93 fiscal period was prepared by the Florida Tomato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the Committee are producers and handlers of Florida tomatoes. 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 Florida tomatoes. 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 September 10, 1992, and unanimously recommended a 1992–93 budget of $2,686,000, $391,000 more than the previous year. Increases in expenditures, which include $5,700 for office salaries, $6,000 for employees' health insurance, $13,750 for employees' retirement program, $367,000 for education and promotion expense, and the addition of a $1,000 equipment maintenance category, will be partially offset by a $4,000 decrease in research expenses.

The Committee also unanimously recommended an assessment rate of $0.04 per 25-pound container, the same as last year. This rate, when applied to anticipated shipments of 55,000,000 25-pound containers, will yield $2,200,000 in assessment income. This, along with $40,000 in interest and other income and $446,000 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 1992–93 fiscal period, $1,497,754, will be within the maximum permitted by the order of one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on 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.

After consideration of all relevant matter present, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 533, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period began on August 1, 1992, and the marketing order requires that the rate of assessment for this fiscal period apply to all assessable tomatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

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

2. A new § 966.230 is added to read as follows:

§ 966.230 Expenses and assessment rate.

Expenses of $2,686,000 by the Florida Tomato Committee are authorized, and an assessment rate of $0.04 per 25-pound container of Florida tomatoes is established for the fiscal period ending July 31, 1993. Unexpended funds may be carried over as a reserve.

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25829 Filed 10–23–92; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 979

[Docket No. FV92-979-1IFR]

Melons Grown in South Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures under Marketing Order No. 979 for the 1992–93 fiscal period (October 1, 1992, through September 30, 1993). Authorization of this budget enables the South Texas Melon Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective October 1, 1992, through September 30, 1993. Comments received by November 25, 1992, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501, telephone 512–682–2833, 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 issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas. 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action authorizes expenditures for the 1992–93 fiscal period (October 1, 1992, through September 30, 1993). This interim 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. 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 the 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 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 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 26 producers of South Texas melons under this marketing order, and approximately 30 handlers. 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 South Texas melon producers and handlers may be classified as small entities.

The budget of expenses of the 1992–93 fiscal period was prepared by the South Texas Melon Committee, 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 South Texas melons. 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 Committee, in a mail vote which was completed on September 10, 1992, unanimously recommended a 1992–93 budget of $100,000 for personnel, office, and travel expenses, the same as last year. The assessment rate and funding for the research and promotion projects will be recommended at the Committee's organizational meeting this fall. Funds in the reserve as of August 31, 1992, estimated at $287,990, were within the maximum permitted by the order of two fiscal periods' expenses. These funds will be adequate to cover any expenses incurred by the Committee prior to the approval of the assessment rate.

Since no assessment rate is being recommended at this time, no additional costs will be imposed on handlers. 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, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The fiscal period began on October 1, 1992, and the Committee needs to have approval to pay its expenses which are incurred on a continuous basis; and (2) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

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

2. A new § 979.215 is added to read as follows:

§ 979.215 Expenses.

Expenses of $100,000 by the South Texas Melon Committee are authorized for the fiscal period ending September 30, 1993. Unexpended funds may be carried over as a reserve.

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25824 Filed 10–23–92; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 984

[Docket No. FV92–984–1IFR]

Walnuts Grown in California; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 984 for the 1992–93 marketing year (August 1, 1992, through July 31, 1993). Authorization of this budget enables the Walnut Marketing Board (Board) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective August 1, 1992, through July 31, 1993. Comments received by November 25, 1992, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Richard P. Van Diest, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Suite 102B, 2202 Monterey Street, Fresno, CA 93721, telephone 209–487–5901, 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 issued under Marketing Agreement and Order No. 984 (7 CFR part 984), regulating the handling of walnuts grown in California. 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California walnuts are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts handled during the 1992–93 marketing year, which began August 1, 1992, through July 31, 1993. This interim 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. 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 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 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 5,000 producers of California walnuts under this marketing order, and approximately 65 handlers. 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 California walnut producers and handlers may be classified as small entities.

The budget of expenses for the 1992–93 marketing year was prepared by the Walnut Marketing Board, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs of goods and services in their local areas 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 Board was derived by dividing anticipated expenses by expected merchantable certifications of California walnuts. Because that rate will be applied to the actual quantity of certified merchantable walnuts, it must be established at a rate that will provide sufficient income to pay the Board's expenses.

The Board met September 11, 1992, and unanimously recommended a 1992–93 budget of $1,872,096, $67,980 more than the previous year. Increases of $7,256 for administrative salaries, $807 for general insurance, $850 for audit, $3,130 for group life, retirement, and medical plan, $2,500 for office supplies, $3,000 for equipment maintenance and warranty-leases, $32,000 for domestic market research and development, $44,829 for production research, and $5,196 for production research director will be partially offset by decreases of $557 for social security taxes, $4,800 for office salaries, $14,231 for office rent, $7,000 for furniture and fixture purchases, and $5,000 for export market research and development.

The Board also unanimously recommended an assessment rate of $0.01 per kernelweight pound, $0.0015 more than the previous year. This rate, when applied to anticipated shipments of 187,209,600 kernelweight pounds of merchantable walnuts, will yield $1,872,096 in assessment income, which will be adequate to cover budgeted expenses. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on 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.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the marketing year began on August 1, 1992, and the marketing order requires that the rate of assessment for the marketing year apply to all assessable walnuts handled during the marketing year; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

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

2. A new § 984.343 is added to read as follows:

§ 984.343 Expenses and assessment rate.

Expenses of $1,872,096 by the Walnut Marketing Board are authorized, and an assessment rate of $0.01 per kernelweight pound of merchantable walnuts is established for the marketing year ending July 31, 1993. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92-25822 Filed 10-23-92; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

[FV-92-054FR]

Raisins Produced From Grapes Grown in California; Increase in the Upper Limit of the Substandard Dockage System for All Varietal Types of Raisins Produced From Grapes Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting without modification, as a final rule, the provisions of an interim final rule which increases the allowable amount, by weight, of substandard raisins in lots of raisins acquired by handlers from producers under the substandard dockage system. This action facilitates the delivery and handling of the crop and minimizes handling expenses for both producers and handlers. This revision was unanimously recommended by the Raisin Administrative Committee (Committee), which is responsible for local administration of the order. The purpose of this action is to reduce the number of off-grade raisin lots returned by handlers to producers or reconditioned by handlers at the producers' expense.

EFFECTIVE DATE: November 25, 1992.

FOR FURTHER INFORMATION CONTACT: Richard Van Diest, Marketing Specialist, Marketing Order Administration Branch, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487-5901, or Richard Lower, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 720-2020.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, 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 final 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This 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. 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 a 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 5,000 producers in the regulated area and approximately 25 handlers who are subject to regulation under the raisin marketing order. 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. A majority of raisin producers and a minority of raisin handlers may be classified as small entities.

Section 989.212 provides that subject to prior agreement a handler may acquire under a weight dockage system any lot of Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, and other Seedless raisins as standard raisins which contain from 5.1 percent to 10.0 percent, by weight, of substandard raisins. A handler may also acquire under a weight dockage system subject to prior agreement, any lot of Muscat (including other raisins with seeds), Sultana, and Zante currant raisins as standard raisins containing from 12.1 percent to 17.0 percent, by weight, of substandard raisins. As provided in § 989.701, substandard raisins are those raisins that fail to meet the minimum grade and condition standards for natural condition raisins. The term "standard raisins" denotes raisins which meet the minimum grade and condition standards applicable to natural condition raisins specified in § 989.701.

The creditable weight of each lot of raisins acquired by handlers under the substandard dockage system is obtained by multiplying the applicable net weight of the lot of raisins by the applicable dockage factors in the dockage tables in § 989.212. These factors reduce the weight of the raisin lots by an amount approximating the weight of the raisins needed to be removed in order for the remainder of the lot to meet minimum grade and condition requirements for natural condition raisins. The weight determined in this manner represents the creditable weight of the raisins which is used as the basis for payments to producers by handlers. Those raisins that fail to meet the established substandard tolerance levels (10.0 percent or 17.0 percent depending on the varietal type) are returned to the producer or reconditioned by the handler (at the producer's expense) to bring the lot up to acceptable quality standards.

Because of adverse weather conditions during the 1991 growing season, the Committee expected that a large quantity of the crop would not meet the limits for substandard fruit set forth in § 989.212. As a result, § 989.212 was revised to suspend the upper limits of the substandard dockage system for the 1991–92 crop year only (56 FR 51150).

On the basis of the 1991 season's experience, the Committee unanimously recommended at a March 11, 1992, meeting, that the allowable amount of substandard fruit in grower deliveries that can be acquired by handlers under the dockage system be increased, but that the upper limit not be eliminated. The Committee believed that the elimination of the upper limit would place an undue burden on handlers and encourage producers to deliver lower quality raisins. This action is in effect for the 1992–93 crop year and future crop year to encourage producers to deliver higher quality raisins, therefore, reducing additional handling expenses for both producers and handlers. Based on the Committee's recommendation, an interim final rule on this action was published in the **Federal Register** on June 26, 1992 (57 FR 28595). That interim final rule increased the upper limit from 10.0 to 17.0 percent for any lot of Natural (sun-dried) Seedless, Golden Seedless, Dipped Seedless, Oleate and Related Seedless, Monukka, and Other Seedless raisins and increased the upper limit from 17.0 to 20.0 percent for Muscat (including other raisins with seeds), Sultana, and Zante Currant raisins.

This action facilitates the delivery and handling of the crop and minimizes the additional handling expenses for both producers and handlers. By increasing the upper limits, fewer lots of raisins are returned to producers for reconditioning. Rather, handlers remove the excess substandard fruit during pre-grading and processing at no cost to the producers. The burden of removing the substandard fruit is shifted from the producer to the handler where the substandard fruit can be more efficiently and economically removed during normal pre-grading and processing operations. This procedure simplifies handling of the crop, reduces costs to producers, and enhances the storage life of raisins. The action also eliminates the cost to producers for hauling such lots from the handlers' premises for reconditioning, for returning such reconditioned lots to handlers, and for reinspecting the reconditioned lots.

The interim final rule provided that interested persons could file written comments through July 27, 1992. No comments were received.

Based on the above information, the Administrator of AMS has determined that issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant information presented, including the Committee's recommendations, and other information, it is found that this action will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

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

Subpart—Supplementary Regulations

2. Accordingly, the interim final rule revising § 989.212, which was published at 57 FR 28595 on June 26, 1992, is adopted as a final rule without change.

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25816 Filed 10–23–92; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 989

[FV–92–033FR]

Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1991–92 Crop Year for Natural (sun-dried) Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting without modification, as a final rule the provisions of an interim final rule which established final free and reserve percentages for Natural (sun-dried) Seedless (NS) raisins from California's 1991–92 raisin crop year production. The percentages are 79 percent free and 21 percent reserve. The 1991–92 crop year began August 1, 1991. These percentages helped stabilize supplies and prices and helped counter the destabilizing effects of the burdensome oversupply situation facing the raisin industry. This action was unanimously recommended by the Raisin Administrative Committee (Committee), which is responsible for local administration of the Federal marketing order regulating the handling of raisins produced from grapes grown in California.

EFFECTIVE DATE: November 25, 1992.

FOR FURTHER INFORMATION CONTACT: Richard Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487–5901, or Richard Lower, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2020.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, 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 final 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, final free and reserve percentages may be established for raisins acquired by handlers during the crop year. This action establishes final free and reserve percentages for NS raisins for the 1991–92 crop year, which began August 1, 1991, and ended July 31, 1992. 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 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 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 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 25 handlers of California raisins who are subject to regulation under the raisin marketing order, and approximately 5,000 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $3,500,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A majority of producers and a minority of handlers of California raisins may be classified as small entities.

The order prescribes procedures for computing trade demands and preliminary, interim, and final percentages for the various varietal types of California raisins that establish the amount of raisins that can be marketed throughout the season. The regulations apply to all handlers of California raisins. Raisins in the free percentage category may be shipped immediately to any market, while reserve raisins must be held by handlers in a reserve pool for the account of the Committee. Under the order, reserve raisins may be: Sold at a later date by the Committee to handlers for free use; used in diversion programs; exported to authorized countries; carried over as a hedge against a short crop the following year; or disposed of in other outlets noncompetitive with those for free tonnage raisins.

While this action restricted the amount of raisins that entered domestic markets, the final free and reserve percentages lessened the impact of the oversupply situation facing the industry (caused by substantial shifts of raisin grapes from winery use of NS raisin production), and promoted stronger marketing conditions, thus stabilizing prices and supplies and improving grower returns. In addition to the quantity of raisins released under the preliminary, interim, and the final percentages, the order specifies methods to make available additional raisins to handlers by requiring sales of reserve pool raisins for use as free tonnage raisins under "10 plus 10" offers, and authorizing sales of reserve raisins under certain conditions.

The Department's "Guidelines for Fruit, Vegetable, and Speciality Crop Marketing Orders" specify that 110 percent of recent years' sales should be made available to primary markets each season before recommendations for volume regulation are approved. This goal was met by the establishment of these final percentages which released 100 percent of the NS raisin computed trade demand and the additional release of reserve raisins to handlers under "10 plus 10" offers. The "10 plus 10" offers are two simultaneous offers of reserve pool raisins which are made available to handlers each season. For each such offer, a quantity of raisins equal to 10 percent of the prior year's shipments is made available for free use.

Pursuant to § 989.54(a) of the order, the Committee met on August 12, 1991, to review shipment and inventory data, and other matters relating to the supplies of raisins of all varietal types. The Committee computed, using a formula prescribed in that paragraph, a trade demand for each varietal type for which a free tonnage percentage might be recommended. The trade demand is 90 percent of the prior year's shipments of free tonnage and reserve tonnage raisins sold for free use for each varietal type into all market outlets, adjusted by subtracting the carrying of each varietal type on August 1 of the current crop year and by adding to the trade demand the desirable carryout for each varietal type at the end of that crop year. The order prescribes that the desirable carryout for each varietal type shall be the shipments of free tonnage raisins from the prior year during the months of August, September, and one half of October.

In accordance with these provisions, the Committee computed and announced a trade demand of 279,185 tons for NS, 10,312 tons for Dipped Seedless, 500 tons for Oleate and Related Seedless, 3,334 tons for Zante Currant, 522 tons for Monukka, and 500 tons for Other Seedless, 17,328 tons for Golden Seedless, 500 tons for Muscat, and 500 tons for Sultana raisins.

As required under § 989.54(b) of the order, the Committee met on October 10, 1991, computed and announced preliminary percentages for NS, Dipped Seedless, Oleate and Related Seedless, Zante Currant, Monukka, and Other Seedless raisins which released 65 percent of the computed trade demand. Field prices had not been firmly established at that time. The preliminary crop estimates and preliminary free and reserve percentages were as follows: 331,756 tons, and 55 percent free and 45 percent reserve for NS raisins; 11,869 tons, and 56 percent free and 44 percent reserve for Dipped Seedless raisins; 916 tons, and 35 percent free and 65 percent reserve for Oleate and Related Seedless raisins; 4,131 tons, and 69 percent free and 31 percent reserve for Zante Currant raisins; 1,083 tons, and 31 percent free and 69 percent reserve for Monukka raisins; and 1,628 tons, and 20 percent free and 80 percent reserve for Other Seedless raisins. The Committee also determined that free and reserve percentages were not needed for Golden Seedless, Muscat and Sultana raisins because supplies were expected to be in line with the computed trade demands.

The Committee met again, on November 15, 1991, and because field prices had been firmly established, revised its marketing policy to release 85 percent of the computed trade demand for NS raisins. The revised preliminary percentages were 72 percent free and 28 percent reserve. Also at that meeting, the Committee determined that its preliminary crop estimates for Dipped Seedless, Oleate and Related Seedless, Zante Currant, and Monukka raisins were higher than actual deliveries, and that the available supplies of these varietal types would be in line with the computed trade demands. As a result, the Committee unanimously decided to eliminate volume percentage restrictions for these four varieties.

The Committee also recommended not to establish a reserve pool for the Other Seedless variety even though the production was expected to be somewhat higher than the computed trade demand. Because the estimated deliveries of this variety would comprise less than one percent of the total raisin market, it was felt that the lack of volume regulation for this varietal type would not adversely affect the Committee's objectives of stabilizing prices and supplies for the seedless varietal types covered under the marketing order.

Pursuant to § 989.54(c), the Committee may adopt interim free and reserve percentages. Interim percentages may release less than the computed trade demand for each varietal type for which preliminary percentages have been computed and announced. Interim percentages for NS raisins of 78.75 percent free and 21.25 percent reserve were computed and announced on February 5, 1992. The interim percentages for NS raisins released 99.44 percent of the computed trade demand.

Under § 989.54(d) of the order, the Committee is required to recommend to the Secretary, no later than February 15 of each crop year, final free and reserve percentages which, when applied to the final production estimate of a varietal type, will tend to release the full trade demand for any varietal type for which preliminary or interim percentages have been computed and announced. By that time, the Committee has more information available, including its final crop estimate and other information, on which to base the determination of final free and reserve percentages.

The Committee's final estimate of 1991–92 production of NS raisins totaled 352,545 tons (which was 20,789 tons more than the preliminary estimate). Dividing the computed trade demand of 279,185 tons by its final estimate of production resulted in a final free percentage of 79.19 percent. The Committee rounded that free percentage to 79 percent which resulted in a final reserve percentage of 21 percent.

The interim final rule establishing final free and reserve percentages for the 1991–92 crop year was published in the **Federal Register** on July 17, 1992 (57 FR 31632). That rule provided that interested persons could file written comments through August 17, 1992. No comments were received. Accordingly, final free and reserve percentages as established by that interim final rule are adopted as a final rule without change.

Based on available information, the Administrator of the AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant information presented, including the Committee's recommendations, and other information, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

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

2. Accordingly, the interim final rule adding § 989.244, which was published at 57 FR 31632 on July 17, 1992, is adopted as a final rule without change. Note: This section will not appear in the Code of Federal Regulations.

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25828 Filed 10–23–92; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 989

[Docket No. FV92-989-1IFR]

Raisins Produced From Grapes Grown in California; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 989 for the 1992–93 crop year (August 1, 1992, through July 31, 1993). Authorization of this budget enables the Raisin Administrative Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective August 1, 1992, through July 31, 1993. Comments received by November 25, 1992, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Richard P. Van Diest, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Suite 102B, 2202 Monterey Street, Fresno, CA 93721, telephone 209–487–5901, 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 issued under Marketing Agreement and Order No. 989 (7 CFR part 989), regulating the handling of raisins produced from grapes grown in California. 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now is effect, California raisins are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable raisins handled during the 1992–93 crop year, which began August 1, 1992, through July 31, 1993. This interim 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. 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 the 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 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 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 5,000 producers of California raisins under this marketing order, and approximately 25 handlers. 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 California raisin producers and handlers may be classified as small entities.

The budget of expenses for the 1992–93 fiscal period was prepared by the Raisin Administrative Committee, 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 California raisins. 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 acquisitions of California raisins. Because that rate will be applied to actual acquisitions, it must be established at a rate that will provide sufficient income to pay the committee's expenses.

The Committee met September 25, 1992, and unanimously recommended a 1992–93 budget of $591,000, which is $3,700 less than the previous year. Increases of $8,800 for executive salaries, $1,500 for compliance examiners salaries, $1,000 for health insurance, $25,000 for Committee travel, $1,000 for payroll taxes, and $700 for grape survey expense will be offset by decreases of $5,000 for office supplies, $2,000 for miscellaneous expenses, $31,915 in reserve for contingencies, and an increase of $4,275 in the amount of income paid to the Committee by the California Raisin Advisory Board (Board). The Board is the administrative agency for the State marketing order under which the California raisin industry conducts its marketing promotion and paid advertising. Some of the Committee's employees also perform services for the Board. Pursuant to an agreement between the Committee and Board, the Board reimburses the Committee for the services Committee employees perform for the Board.

The Committee also unanimously recommended an assessment rate of $2.00 per ton, which is $0.10 more than last year. This rate, when applied to anticipated acquisitions of 295,500 tons, will yield $591,000 in assessment income, which will be adequate to cover budgeted expenses. Any unexpended funds from the crop year shall be credited or refunded to the handler from whom collected.

While this action will impose some addition costs on handlers, the costs are in the form of uniform assessments on 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.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis, (2) the crop year began on August 1, 1992, and the marketing order requires that the rate of assessment for the crop year apply to all assessable raisins handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

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

2. A new § 989.343 is added to read as follows:

§ 989.343 Expenses and assessment rate.

Expenses of $591,000 by the Raisin Administrative Committee are authorized, and an assessment rate of $2.00 per ton of California raisins is established for the crop year ending July 31, 1993. Any unexpended funds from that crop year shall be credited or refunded to the handler from whom collected.

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–25826 Filed 10–23–92; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 1097 and 1099

[DA-92-35]

Milk in the Memphis, Tennessee, and Paducah, Kentucky, Marketing Areas; Order Terminating the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination order.

SUMMARY: This action terminates, subject to specific exceptions, the orders regulating the handling of milk in the Memphis, Tennessee, and Paducah, Kentucky, marketing areas, effective December 1, 1992. Termination of the Memphis, Tennessee, order was requested by Associated Milk Producers, Inc. (AMPI), and the termination of the Paducah, Kentucky, order was requested by AMPI and Dairymen, Inc., cooperative associations which represent a majority of producers under the orders who produce more than 50 percent of the milk produced for sale in the marketing areas. Thus, termination of the orders is required

under Section 608c(16)(B) of the Agricultural Marketing Agreement Act of 1937, as amended.

EFFECTIVE DATE: December 1, 1992.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, 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: This termination order has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This 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 not later than 20 days after date of the entry of the ruling.

Determinations

It is hereby determined that termination of the Memphis, Tennessee, and Paducah, Kentucky, orders, Parts 1097 and 1099, respectively, is favored by a majority of the producers engaged in the production of milk for sale in the marketing areas in the representative period, determined to be August 1992, and that such producers produced more than 50 percent of the milk produced for sale in the Memphis, Tennessee, and Paducah, Kentucky, milk marketing areas in such representative period.

It is also determined that notice of proposed rule making and public procedure thereon is impracticable, unnecessary and contrary to the public interest. Section 608(c)(16)(B) of the Agricultural Marketing Agreement Act of 1937, as amended, requires that if a majority of the producers engaged in the production of milk for sale in the marketing area in a representative period determined by the Secretary favor termination of the order, and such producers produced more than 50 percent of the milk produced for sale in the marketing area in the representative period, that such order shall be terminated. It is therefore necessary that the provisions of the orders, as amended, subject to specific exceptions, be terminated effective December 1, 1992.

Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) it is hereby ordered that all provisions of each order, as amended, regulating the handling of milk in the Memphis, Tennessee, and Paducah, Kentucky, marketing areas (7 CFR parts 1097 and 1099, respectively) except § 1097.1 and § 1099.1, which incorporate the General Provisions in part 1000, are hereby terminated effective December 1, 1992.

List of Subjects in 7 CFR Parts 1097 and 1099

Milk marketing orders.

1. The authority citation for 7 CFR parts 1097 and 1099 continues to read as follows:

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

PART 1097—MILK IN THE MEMPHIS, TENNESSEE MARKETING AREA

§§ 1097.2-1097.95 [Removed]

2. Part 1097 is amended by removing §§ 1097.2 through 1097.95.

PART 1099—MILK IN THE PADUCAH, KENTUCKY MARKETING AREA

§§ 1099.2-1099.86 [Removed]

3. Part 1099 is amended by removing §§ 1099.2 through 1099.86.

Effective date: December 1, 1992.

Dated: October 20, 1992.

John E. Frydenlund,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92-25840 Filed 10-23-92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket No. 92-15]

Description of Office, Procedures, Public Information; Correction

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule; correction.

SUMMARY: The Office of the Comptroller of the Currency is correcting typographical errors in its regulation governing the disclosure of information under the Freedom of Information Act (FOIA) which appeared in the **Federal Register** on July 22, 1992 (57 FR 32415).

EFFECTIVE DATE: August 21, 1992.

FOR FURTHER INFORMATION CONTACT: Ferne Fishman Rubin, Senior Attorney, Corporate Organization and Resolutions Division, (202) 874-5300, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: In preparing the final rule for publication in the **Federal Register**, typographical errors were inadvertently made in §§ 4.17(a), 4.17(h)(2), 4.17(h)(2)(ii) and 4.17(h)(2)(viii)(A). Accordingly, FR Doc. 92-16761, published July 22, 1992, is amended as follows:

§ 4.17 [Corrected]

1. Section 4.17(a) on page 32417, column one, line six, change "and" to "the".

2. Section 4.17(h)(2) introductory text on page 32418, column two, line five, change "no-government" to "non-government".

3. Section 4.17(h)(2)(ii) heading on page 32418, column two, line one, change *"Computerized"* to *"computerized"*.

4. Section 4.17(h)(2)(viii)(B) on page 32418, column three, third line from the bottom, change "(h)(2)(vii)(A)" to "(h)(2)(viii)(A)".

Dated: October 13, 1992.

Stephen R. Steinbrink,

Acting Comptroller of the Currency.

[FR Doc. 92-25884 Filed 10-23-92; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF COMMERCE

Technology Administration

15 CFR Part 1150

[Docket No. 910931-2204]

RIN 0692-AA11

Marking of Toy, Look-Alike, and Imitation Firearms

AGENCY: Technology Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Technology Administration of the United States Department of Commerce is today issuing a final rule to change regulations pertaining to marking requirements for toy, look-alike, and imitation firearms. These regulations were promulgated in May of 1989, and implement section 4 of the Federal Energy Management Improvement Act of 1988 ("Act") which prohibits the manufacturing, entering into commerce, shipping, transporting, or receipt of any toy, imitation, or look-alike firearm ("device") unless such device contains, or has affixed to it, a marking approved by the Secretary of Commerce. The Technology Administration published a notice of a proposed rulemaking to revise the regulations on November 7, 1991 (56 FR 56953). After consideration of public comments received in response to that proposed rulemaking, the Technology Administration is today promulgating this final rule amending the regulations. It sets out additional permissible markings, and further defines those devices covered by the regulation.

DATES: This rule is effective October 26, 1992.

FOR FURTHER INFORMATION CONTACT: Bradford C. Brown, Chief Counsel for Technology, telephone number (202) 482-1964, FAX (202) 482-0253.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1991 the Technology Administration published a Notice of Proposed Rulemaking in the **Federal Register** (56 FR 56953) announcing proposed revisions to regulations found at 15 CFR Part 1150, which implement section 4 of the Federal Energy Management Improvement Act of 1988, pertaining to the marking of toy, look-alike, and imitation firearms. The public comment period of 60 days was subsequently extended to March 17, 1992 in a **Federal Register** notice published on January 17, 1992 (57 FR 2065).

Section 4(a) of the Federal Energy Management Improvement Act of 1988 provides that it shall be unlawful for any person to manufacture, enter into commerce, ship, transport, or receive any toy, look-alike, or imitation forearm unless such firearm contains, or has affixed to it a marking approval by the Secretary of Commerce. (15 U.S.C. 5001(a)). Section 4(b)(1) of the Act establishes as an initial acceptable marking a permanently affixed, blaze orange plug inserted in the barrel of the toy, look-alike, or imitation firearm, recessed no more than 6 millimeters from the muzzle end of the barrel, and made an integral part of the device. (15 U.S.C. 5001(b)(1)). Section 4(b)(2) authorizes the Secretary to approve an alternative marking for any toy, look-alike, or imitation firearm not capable of being marked with the requisite blaze orange plug, and to waive the marking requirements for any toy, look-alike, or imitation firearm that will only be used in the theatrical, movie or television industries. (15 U.S.C. 5001(b)(2)). Section 4(b)(3) authorizes the Secretary to adjust or change the marking system established pursuant to sections 4(b) (1) and (2), after consultation with interested persons. (15 U.S.C. 5001(b)(3)).

In May of 1989 the Technology Administration promulgated a regulation found at 15 CFR part 1150, to implement the Act. That regulation maintained the blaze orange plug marking established by section 4(b)(1) of the Act and established as an alternative marking system for water guns, air-soft guns, light emitting guns or other ejecting toy, look-alike, or imitation firearms which, as such, cannot be marked with a plug in the muzzle end of the barrel because it would restrict the opening necessary to discharge such things as water, non-metallic projectiles, and light, a blaze orange marking permanently affixed to the exterior surface of the barrel and covering the circumference of the barrel and extending from the muzzle end for a depth of at least 6 millimeters. Part 1150 also adjusted the statutory marking system by permitting three other methods of marking for use in the alternative irrespective of whether the device could be marked with the blaze orange plug or blaze orange muzzle marking. The three alternatives were to mark the device at manufacture by: (1) Constructing it entirely of transparent or translucent materials which permit unmistakable observation of the device's complete contents; (2) permanently coloring the entire exterior surface of the device bright red, bright orange, bright yellow, bright green, or bright blue, either singly or as the predominant color in combination with other colors in any pattern; or (3) permanently coloring the entire exterior surface of the device predominantly in white in combination with one or more of the colors bright red, bright orange, bright yellow, bright green, or bright blue in any pattern. These alternatives were selected because they represent standard industry practice for most toy, look-alike, and imitation firearms and, in the opinion of those consulted, are sufficient to identify the device as a toy, look-alike, or imitation firearm rather than as a real firearm.

Description and Explanation of Proposed Changes

The notice of proposed rulemaking published in November of 1991 proposed seven changes to 15 CFR part 1150.

First, § 1150.1 was proposed to be amended by restating the applicability of the regulation to include only those devices which had the "appearance, shape, and/or configuration of a firearm"; as originally promulgated, the regulation applied to devices which had the "general appearance, shape, and/or configuration of a firearm." This change was proposed to remove ambiguity from the regulation. The work "toy" which appeared in line ten (10) of this section was deleted so as to conform with 15 U.S.C. 5001.

Second, a definition of "collector replica" was proposed in order to distinguish between replicas which were intended to be collectable reproductions and imitation firearms modelled after antique firearms but not intended to be used as collector replicas. The distinction was made because collector replicas are specifically exempted under the regulation whereas toy, lookalike, or imitation firearms which are not intended to be used as collector replicas must meet the requirements of the regulation.

Third, an exception was proposed in § 1150.1 to clarify that part 1150 was not applicable to "decorative, ornamental, and miniature objects having the appearance, shape and/or configuration of a firearm, including those intended to be displayed on a desk or worn on bracelets, necklaces, key chains, and so on, provided that the miniatures measure no more than thirty-eight (38) millimeters in height by seventy (70) millimeters in length." This change was proposed to remove certain imitation firearms from the coverage of the rule because they were so small in size that they could not be mistaken for real firearms. These particular dimensions were selected because the Technology

Administration, after consulting with the Bureau of Alcohol, Tobacco and Firearms, was not able to identify any firearms of lesser size that were capable of functioning as a real gun. Metric units were used to conform with the Metric Conversion Act.

Fourth, changes were proposed to be made to § 1150.3 (a) and (b) to allow the approved plug or marking at the muzzle end of the barrel to be either "blaze orange" (Federal Standard 595a, February, 1987, color number 12199, issued by the General Services Administration) or an orange color brighter than that specified by the Federal Standard color number. This change was proposed to prevent enforcement actions involving goods that had bright orange markings in keeping with the intent of the regulation, but did not meet the exact standard for "blaze orange" set forth in the regulation.

Fifth, a change was proposed to be made to § 1150.3(b) to remove the requirement that the imitation gun have an opening used to discharge water, nonmetallic projectiles, or light to get approval for a collar-type marking (§ 1150.3(b)). With the proposed change, whether or not the gun emitted light, water, etc., the collar-type marking could be used.

Sixth, several alternative markings were proposed to be added to the list of approved alternative markings, which included coloration of the entire exterior surface in white, bright pink or bright purple. These additional colors were deemed bright enough that their inclusion in the approved markings list was appropriate. The alternative markings provision was also clarified to include colorations of the entire surface singly or in combination with the approved colors. Deletion of § 1150.3(e) was proposed in order to eliminate redundancy.

Finally, an administrative mechanism for the processing of waiver requests was proposed to be added to § 1150.4 that waives part 1150 for any toy, look-alike, or imitation firearm to be used only in the theatrical, movie or television industries. The proposed mechanism was that requests for waivers be made, in writing, to the Chief Counsel for Technology, United States Department of Commerce, and that the request include a sworn affidavit which stated with specificity the factual circumstances, and that the toy, look-alike or limitation firearm was to be used only in the theatrical, movie or television industry. It was anticipated that such a statement would include the place of manufacture, and a discussion of the specific use and disposition of the items. As originally promulgated, part 1150 contained a "self-enforcing" waiver provision. This approach, however, had proven impractical, imports of noncompliant toy, look-alike, and imitation firearms were routinely prevented at the port of entry by the U.S. Customs Service.

The Technology Administration held a public meeting at the Greater Los Angeles World Trade Center on the proposed amendments and changes to the safety marking system for toy, look-alike, and imitation firearms on December 2, 1991 (56 FR 57869 Nov. 14, 1991). The meeting was attended by a number of representatives of trade associations, manufacturers, importers, distributors and Federal Agencies. Many attenders brought samples of toy, look-alike, or imitation firearms. Most of the pertinent comments made at this meeting are reflected in the written comments received in response to the notice of proposed rulemaking.

Analysis of Comments Received

In response to the November 7, 1991 Notice of Proposed Rulemaking the Technology Administration received comments from six manufacturers, vendors, or their representatives or attorneys. None of the commenters fully supported all of the proposed changes and each commenter made recommendations with respect to the proposed changes.

The four main comments regarding the proposed changes were first, the term "collector replica" was not properly defined; second, the miniature size requirements were too restrictive; third, the colors and coloration were not clearly defined and fourth, the waiver process was overly burdensome. The first and second issues were each raised by four commenters, the third issue by three commenters and the fourth issue by two commenters.

The four comments received on the "collector replica" definition in § 1150.1 took issue with toys being excluded from the definition. Their position was that the pre-1898 date in 15 U.S.C. 5001(c) defined the term "collector replica" and that a toy modelled after any original firearm which was manufactured, designed, and produced prior to 1898 should also be exempted from the regulation. The statute, however, exempts only look-alike, nonfiring, collector replicas modelled on antique firearms developed prior to 1898 from the requirement and does not explicitly exempt toys, look-alike, or imitation firearms that are not "collector replicas." Support for this interpretation of "collector replica" is present in the Congressional Record (134 Cong. Rec. H10072 (daily ed. October 11, 1988)) in which Congressman Moorhead states that the marking requirement would not apply to manufacturers who produced replicas which resemble pre-1898 firearms, "the realistic look of the object and whose expensive replicas are almost never involved in crimes or accidental shootings by the police." As a result of this clear statutory guidance and legislative history, the definition of "collector replica" in the final rule is adopted as proposed.

Four comments specifically addressed the miniature size exemption in § 1150.1(c). The toy manufacturers, importers, vendors and their representatives argued that the size limit of 38 millimeters in height by 70 millimeters in length was too narrow of an exemption. Their position was that the relative size of the miniature to the original gun size is key to the perception of a working firearm and that the measurements specified in the proposed changes were arbitrary. The 38 millimeter by 70 millimeter dimensions were selected because the Technology Administration, after consultation with the Bureau of Alcohol, Tobacco and Firearms, had not identified any firearms of lesser size that were capable of functioning as real guns. Arguments by the commenters addressing toy, look-alike, or imitation guns with stocks such as rifles, shot guns and machine guns were also considered and since the stock is not part of the firing mechanism, language dealing with miniature guns with stocks has been added to the final rule. The term "miniatures" in line 7 of this section in the proposed rule has been changed to "objects" so that the applicability of this section to decorative and ornamental miniatures is clarified. The rest of the proposed changes to this section remain the same in the final rule.

The third class of comments received dealt with colors which appear in § 1150.3(c). One comment addressed the subjective "brightness" standard of the colors and two comments addressed the combination of the specified colors. The commenter who was concerned with the brightness standard suggested the use of pantone colors, which the commenter stated is the accepted coloring norm in almost every industry. He went on to explain that a list of acceptable shades or brighter shades for a particular color could be used as the standard. After considering these comments, the Technology Administration, however, believes that such an exact list of colors is too restrictive and that the subjective standard for bright used in this section allows for flexibility in enforcement of

the regulation. The other concern expressed regarding color was that the proposed regulation provided for coloration of the device in the listed colors "either singly or in combinations of these colors in any pattern", thus restricting the colors to be used to only those enumerated in the regulation. The original regulations provided for coloration of the device in the listed colors "either singly or as the predominant color in combination with other colors in any pattern." It is the Technology Administration's opinion that having the device's surface predominantly colored in the listed colors is sufficient to distinguish a toy gun from a real gun. This change in the coloration policy of having the coloration be predominantly rather than only the approved listed colors is reflected in the final rule.

The fourth category of comments addressed the waiver process as provided for in § 1150.4. Two commenters argued that the detailed waiver procedure set forth in the proposed regulations could be required more than once for a particular item; that is, each time a person manufactured, entered into commerce, shipped, transported or received a look-alike firearm to be used in the theatrical, movie or television industry. It is, however, the Technology Administration's position that once a waiver has been provided and approved, this waiver would be sufficient for all levels of commerce. A second related issue argued by the commenters regarding this section of the proposed regulations was that the specific factual circumstances requirement for the items listed in the affidavit was overly burdensome. The specificity requirement has therefore been removed from the final regulation so that only a general affidavit swearing to the fact that the toy, look-alike, or imitation firearm will be used only in the theatrical, movie or television industry is necessary.

Additional Information

The final rule sets out additional permissible markings, and further defines those devices covered by the regulation. Accordingly, since the rule thus grants or recognizes an exemption and relieves restrictions, under section 553(d) of the Administrative Procedure Act (5 U.S.C. 553(d)) it may and is being made effective without a 30-day delay in effective date.

Executive Order 12291

The Under Secretary for Technology has determined that this rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies or geographic regions; or,

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Therefore, preparation of a Regulatory Impact Analysis is not required under Executive Order 12291.

Executive Order 12612

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

Executive Order 12372

This rule does not involve Federal financial assistance, direct Federal development, or the payment of any matching funds from a state or local government. Accordingly, the requirements of Executive Order 12372 are not applicable to this rule.

Executive Order 12630

This rule does not pose significant takings implications within the meaning of Executive Order 12630.

Regulatory Flexibility Act

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed that if the rule was adopted, it would not have a significant economic impact on a substantial number of small entities because the alternative markings conform to existing industry practices for most toy, look-alike, and imitation firearms, thus reducing the rule's impact to only where such practices are not followed. As a result, a Regulatory Flexibility Analysis was not required to be prepared under the Regulatory Flexibility Act.

Paperwork Reduction Act

This rule does not contain information collection requirements subject to the Paperwork Reduction Act.

National Environmental Policy Act

This rule will not significantly affect the quality of the human environment. Therefore, an environmental assessment or Environmental Impact Statement is not required to be prepared under the National Environment Policy Act of 1969.

List of Subjects in 15 CFR Part 1150

Commerce, Business and industry, Labeling, Hobbies, Imports, Exports, Shipping, Toys, Transportation, Freight, Incorporation by reference.

Dated: October 19, 1992.

Robert M. White,

Under Secretary for Technology.

For reasons set forth in the preamble, title 15, subtitle B, chapter XI, part 1150 of the Code of Federal Regulations is amended as follows:

CHAPTER XI—TECHNOLOGY ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 1150—MARKING OF TOY, LOOK-ALIKE AND IMITATION FIREARMS

1. The authority citation for part 1150 continues to read as follows:

Authority: Section 4 of the Federal Energy Management Improvement Act of 1988, 15 U.S.C. 5001.

2. Section 1150.1 is revised to read as follows:

§ 1150.1 Applicability.

This part applies to toy, look-alike, and imitation firearms ("devices") having the appearance, shape, and/or configuration of a firearm and produced or manufactured and entered into commerce on or after May 5, 1989, including devices modelled on real firearms manufactured, designed, and produced since 1898. This part does not apply to:

(a) Non-firing collector replica antique firearms, which look authentic and may be a scale model but are not intended as toys modelled on real firearms designed, manufactured, and produced prior to 1898;

(b) Traditional B–B, paint-ball, or pellet-firing air guns that expel a projectile through the force of compressed air, compressed gas or mechanical spring action, or any combination thereof, as described in American Society for Testing and Materials standard F 589–85, Standard Consumer Safety Specification for Non-Powder Guns, June 28, 1985. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at the office of the Associate Director for Industry and Standards,

National Institute for Standards and Technology, Gaithersburg, Maryland; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC; and

(c) Decorative, ornamental, and miniature objects having the appearance, shape and/or configuration of a firearm, including those intended to be displayed on a desk or worn on bracelets, necklaces, key chains, and so on, provided that the objects measure no more than thirty-eight (38) millimeters in height by seventy (70) millimeters in length, the length measurement excluding any gun stock length measurement.

3. Section 1150.3 is amended by removing paragraph (e) and by revising paragraphs (a), (b), and (d) to read as follows:

§ 1150.3 Approved markings.

The following markings are approved by the Secretary of Commerce:

(a) A blaze orange (Federal Standard 595a, February, 1987, color number 12199, issued by the General Services Administration) or orange color brighter than that specified by the federal standard color number, solid plug permanently affixed to the muzzle end of the barrel as an integral part of the entire device and recessed no more than 6 millimeters from the muzzle end of the barrel. This incorporation by reference was approved by the Director of the Federal Register in accordance with U.S.C. 552(a) and 1 CFR part 51. Copies of Federal Standard 595a may be obtained from the Office of Engineering and Technical Management, Chemical Technology Division, Paints Branch, General Services Administration, Washington, DC 20406. Copies may be inspected at the office of the Associate Director for Industry and Standards, National Institute for Standards and Technology, Gaithersburg, Maryland, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) A blaze orange (Federal Standard 595a, February, 1987, color number 12199, issued by the General Services Administration) or orange color brighter than that specified by the Federal Standard color number, marking permanently affixed to the exterior surface of the barrel, covering the circumference of the barrel from the muzzle end for a depth of at least 6 millimeters. This incorporation by reference was approved by the Director for the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of Federal Standard 595a may be obtained from the Office of Engineering and Technical Management, Chemical Technology Division, Paints Branch, General Services Administration, Washington, DC 20406. Copies may be inspected at the office of the Associate Director for Industry and Standards, National Institute for Standards and Technology, Gaithersburg, Maryland, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(c) * * *

(d) Coloration of the entire exterior surface of the device in white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominant color in combination with other colors in any pattern.

4. Section 1150.4 is revised to read as follows:

§ 1150.4 Waiver.

The prohibitions set forth in § 1150.2 of this part may be waived for any toy, look-alike or imitation firearm that will be used only in the theatrical, movie or television industries. A request for such a waiver should be made, in writing, to the Chief Counsel for Technology, United States Department of Commerce, Washington, DC 20230. The request must include a sworn affidavit which states that the toy, look-alike, or imitation firearm will be used only in the theatrical, movie or television industry. A sample of the item must be included with the request.

[FR Doc. 92-25848 Filed 10-23-92; 8:45 am]
BILLING CODE 3510-18-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM86-2-000]

Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands

Issued October 20, 1992.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; update of Federal land use fees.

SUMMARY: On May 8, 1987, the Commission issued its final rule amending part 11 of its regulations (Order No. 469, 52 FR 18,201 May 14, 1987). The final rule revised the billing procedures for annual charges for administering part I of the Federal Power Act, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges.

In accordance with § 11.2(b) (18 CFR 11.2(b)) of the Commission's regulations, the Commission by its designee, the Executive Director, is updating its schedule of fees for the use of government lands. The yearly update is determined by adapting the most recent schedule of fees for the use of linear rights-of-way prepared by the United States Forest Service. Since the next fiscal year will cover the period from October 1, 1992, through September 30, 1993, the fees in this notice will become effective October 1, 1992. The fees will apply to fiscal year 1993 annual charges for the use of government lands.

EFFECTIVE DATE: October 1, 1992.

FOR FURTHER INFORMATION CONTACT: Olive J. Wallace, Chief, Revenue Assessments Branch, Office of the Executive Director, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. (202) 219-2903.

SUPPLEMENTARY INFORMATION: In accordance with § 11.2, 18 CFR, the land values included in this document will be published in the **Federal Register**. In addition, the Commission provides all interested persons an opportunity to inspect or copy contents of this document during normal business hours in room 3104 at the Commission's Headquarters, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this order will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street NE., Washington, DC 20426.

George L. B. Pratt,
Executive Director.

List of Subjects in 18 CFR Part 11

Electric Power, Reporting and recordkeeping requirements.

Accordingly, the Commission, effective October 1, 1992, amends part

11 of chapter I, title 18 of the Code of Federal Regulations, as set forth below.

1. The authority citation for part 11 is revised to read as follows:

Authority: 16 U.S.C. 791a–825r; 42 U.S.C. 7101–7352.

2. In part 11, appendix A is revised to read as follows:

FEE SCHEDULE FOR FY 1993

State	County	Rate per acre
Alabama	All counties	$22.01
Arkansas	All counties	16.51
Arizona	Apache, Cochise, Gila, Graham, La Paz, Mohave, Navajo, Pima, Yavapai, Yuma, Coconino north of Colorado river	5.50
	Coconino south of Colorado river, Greenlee, Maricopa, Pinal, Santa Cruz	22.01
California	Imperial, Inyo, Lassen, Modoc, Riverside, San Bernardino	11.00
	Siskiyou	16.51
	Ameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno Glenn, Humboldt, Kern, Kings, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Santa Clara, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba.	27.51
	Los Angeles, Marin, Monterey, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Ventura.	33.03
Colorado	Adams, Arapahoe, Bent, Cheyenne, Crowley, Elbert, El Paso, Huerfano, Kiowa, Kit Carson, Lincoln, Logan, Moffat, Montezuma, Morgan, Pueblo, Sedgwick, Washington, Weld, Yuma.,	5.50
	Baca, Dolores, Garfield, Las Animas, Mesa, Montrose, Otero, Prowers, Rio Blanco, Routt, San Miguel	11.00
	Alamosa, Archuleta, Boulder, Chaffee, Clear Creek, Conejos, Costilla, Custer, Denver, Delta, Douglas, Eagle, Fremont, Gilpin, Grand, Gunnison, Hinsdale, Jackson, Jefferson, Lake, La Plata, Larimer, Mineral, Ouray, Park, Pitkin, Rio Grande, Saguache, San Juan, Summit, Teller.	22.01
Connecticut	All counties	5.50
Florida	Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Nassau, Okaloossa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, Washington.	33.03
	All other counties	55.04
Georgia	All counties	33.03
Idaho	Cassia, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Power, Twin Falls	5.50
	Ada, Adams, Bannock, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Canyon, Caribou, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Idaho, Jefferson, Kootenai, Latah, Lemhi, Lewis, Madison, Nez Perce, Payette, Shoshone, Teton, Valley, Washington.	16.51
Kansas	All other counties	5.50
	Morton	11.00
Illinois	All counties	16.51
Indiana	All counties	27.51
Kentucky	All counties	16.51
Louisiana	All counties	33.03
Maine	All counties	16.51
Michigan	Alger, Baraga, Chippewa, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.	16.51
	All other counties	22.01
Minnesota	All counties	16.51
Mississippi	All counties	22.01
Missouri	All counties	16.51
Montana	Big Horn, Blaine, Carter, Cascade, Chouteau, Custer, Daniels, McCone, Meagher, Dawson, Fallon, Fergus, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Liberty, Musselshell, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.	5.50
	Beaverhead, Broadwater, Carbon, Deer Lodge, Flathead, Gallatin, Granite, Jefferson, Lake, Lewis & Clark, Lincoln, Madison, Mineral, Missoula, Park, Powell, Ravalli, Sanders, Silver Bow, Stillwater, Sweet Grass.	16.51
Nebraska	All counties	5.50
Nevada	Churchill, Clark, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Washoe, White Pine	2.75
	Carson City, Douglas, Storey	27.51
New Hampshire	All counties	16.51
New Mexico	Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadelupe	5.50
	Harding, Hidalgo, Lea, Luna, McKinley, Otero, Quay, Roosevelt, San Juan, Socorro, Torrance	5.50
	Rio Arriba, Sandoual, Union	11.00
	Bernalillo, Catron, Cibola, Colfax, Lincoln, Los Alamos, Mora, San Miguel, Sante Fe, Sierra, Taos, Valencia	22.01
New York	All counties	22.01
North Carolina	All counties	33.03
North Dakota	All counties	5.50
Ohio	All counties	22.01
Oklahoma	All other counties	5.50
	Beaver, Cimarron, Roger Mills, Texas	11.00
	Le Flore, McCurtain	16.51
Oregon	Harney, Lake, Malheur	5.50
	Baker, Crook, Deschutes, Gilliam, Grant, Jefferson, Klamath, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler	11.00
	Coos, Curry, Douglas, Jackson, Josephine	16.51
	Benton, Clackamas, Clatsop, Columbia, Hood River, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamock, Washington, Yamhill.	22.01
Pennsylvania	All counties	22.01
Puerto Rico	All	33.03
South Dakota	Butte, Custer, Fall River, Lawrence, Mead, Pennington	16.51
	All other counties	5.50
South Carolina	All counties	33.03
Tennessee	All counties	22.01
Texas	Culberson, El Paso, Hudspeth	5.50

FEE SCHEDULE FOR FY 1993—Continued

State	County	Rate per acre
	All other counties	33.03
Utah	Beaver, Box Elder, Carbon, Duchesne, Emery, Garfield, Grand, Iron, Jaub, Kane, Millard, San Juan, Tooele, Uintah, Wayne	5.50
	Washington	11.00
	Cache, Daggett, Davis, Morgan, Piute, Rich, Salt Lake, Sanpete, Sevier, Summit, Utah, Wasatch, Weber	16.51
Vermont	All counties	22.01
Virginia	All counties	22.01
Washington	Adams, Asotin, Benton, Chelan, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanagan, Spokane, Walla Walla, Whitman, Yakima.	11.00
	Ferry, Pend Oreille, Stevens	16.51
	Callam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom.	22.01
West Virginia	All counties	22.01
Wisconson	All counties	16.51
Wyoming	Albany, Campbell, Cargon, Converse, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Platte, Sheridan, Sweetwater, Sublette, Uinta, Washakie.	5.50
	Big Horn, Crook, Park, Teton, Weston	16.51
All other zones		5.90

[FR Doc. 92-25842 Filed 10-23-92; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 147

[CGD11-92-08]

Safety Zones: Platforms Harmony and Heritage, Pacific Ocean, Southern California

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: This document temporarily amends the safety zones around Platforms Harmony and Heritage, to exclude all vessel traffic except attending vessels and vessels authorized by the Commander, Eleventh Coast Guard District. The temporary provision is necessary to promote the safety of lives and property on and adjacent to the platforms during construction activities on the platforms.

EFFECTIVE DATE: The regulation becomes effective at 12 noon, PDT October 15, 1992. It terminates at 12 midnight, November 30, 1992.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Kara Nakamura, Marine Safety Division, Eleventh Coast Guard District, 501 W. Ocean Blvd., Long Beach, CA 90822. Phone Number: (310) 980-4300 ext. 280.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication. Following normal rulemaking procedures by publishing an NPRM and delaying its effective date would be impracticable. The request for this regulation from the owner of the platforms was not received until 1 October 1992 and there was not sufficient time to publish a proposal in advance of the activity for which the regulation is needed. In addition, any delay in the effective date of this regulation would be contrary to the public interest since immediate action is needed to prevent loss of life and damage to Platforms Harmony and Heritage by vessels transiting the area.

Although this regulation is published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESSES" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafter of this regulation is Lieutenant (junior grade) K. Nakamura, Project Officer, and Captain B. E. Weule, Project Attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

This temporary final rule revises 33 CFR 147.1114 and 147.1115 to exclude all vessel traffic except attending vessels and vessels authorized by the Commander, Eleventh Coast Guard District, from the existing safety zone area for a temporary period during construction. This effectively temporarily deletes subparagraph (b)(2) of each of the affected regulations.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The Coast Guard certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

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

Environmental Assessment

The Coast Guard has considered the environmental impact of the regulation and concluded that under section 2.B.2.c of Commandant Instruction M16475.1B, it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements.

List of Subjects in 33 CFR Part 147

Marine safety, Navigation (water), Outer continental shelf.

Regulation

In consideration of the foregoing, part 147 of title 33, Code of Federal Regulations, is amended as follows:

PART 147—[AMENDED]

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85, 33 U.S.C. 2071, and 49 CFR 1.46.

2. Section 147.1114 is temporarily revised to read as follows:

§ 147.1114 Platform HARMONY safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°22'36"N, 120°10'03"W.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) an attending vessel; or

(2) a vessel authorized by the Commander, Eleventh Coast Guard District.

3. Section 147.1115 is temporarily revised to read as follows:

§ 147.1115 Platform HERITAGE safety zone.

(a) *Description.* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°21'01"N, 120°16'45"W.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) an attending vessel; or

(2) a vessel authorized by the Commander, Eleventh Coast Guard District.

Dated: October 15, 1992.

M.E. Gilbert,

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

[FR Doc. 92-25894 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-11-4-5503; FRL-4150-3]

Approval and Promulgation of Implementation Plans California State Implementation Plan Revision; Bay Area Air Quality Management District, San Diego County Air Pollution Control District, and South Coast Air Quality Management District

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice finalizes a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) adopted by the Bay Area Air Quality Management District (BAAQMD), San Diego County Air Pollution Control District (SDCAPCD), and South Coast Air Quality Management District (SCAQMD). The revisions concern BAAQMD's Regulation 8, Rule 8, Wastewater (Oil-Water Separators) (Rule 8-8); SDCAPCD's Rule 61.9, Separation of Organic Compounds from Water; SCAQMD's Rule 1176, Sumps and Wastewater Separators; SCAQMD's Rule 1162, Polyester Resin Operations; SCAQMD's Rule 1173, Fugitive Emissions of Volatile Organic Compounds; and SCAQMD's Rule 1175, Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products. EPA proposed a limited approval and limited disapproval of these rules in the **Federal Register** on December 12, 1991 (56 FR 64727 and 56 FR 64729). EPA is today finalizing a limited approval of these rules under sections 110(k)(3) and 301(a) of the Clean Air Act, as amended in 1990 (CAA or the Act) because these rules strengthen the SIP. EPA is also finalizing a limited disapproval of these rules under section 110(k)(3) of the CAA because the rules contain deficiencies, and as a result, do not meet the part D, section 182(a)(2)(A) requirement of the CAA. As a result of this limited disapproval EPA will be required to promulgate one of the sanctions set forth in section 179(b) of the Act unless the deficiencies are corrected within 18 months of this disapproval. Moreover, EPA will be required to promulgate a federal implementation plan (FIP) under section 110(c) unless the deficiencies are corrected within 24 months of this disapproval.

EFFECTIVE DATE: This action is effective November 25, 1992.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Northern California, Nevada and Hawaii Rulemaking Section (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Public Information Reference Unit, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

San Diego County Air Pollution Control District, 9150 Chesapeake Dr., San Diego, CA 92123-1095.

South Coast Air Quality Management District, Planning & Rules, P.O. Box 4939, Diamond Bar, CA 91765-0939.

FOR FURTHER INFORMATION CONTACT: Doris Lo, Northern California, Nevada and Hawaii Rulemaking Section (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1202.

SUPPLEMENTARY INFORMATION:

Background

A detailed discussion of the background for this rulemaking can be found in two notices of proposed rulemaking (NPRs) published in the **Federal Register** on December 12, 1991 (56 FR 64727 and 56 FR 64729). All of the rules proposed for limited approval and disapproval in 56 FR 64727 and 56 FR 64729 were submitted in response to the section 182(a)(2)(A) CAA requirement and will strengthen the SIP because they correct many of the deficiencies that are found in the current SIP; however, there are still remaining deficiencies in the rules. EPA is today finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies.

Response to Public Comments

EPA received two comment letters on the NPRs, one from the Chemical Manufacturers Association (CMA) and another from the San Diego County Air Pollution Control District. The comments have been evaluated by EPA and a summary of the comments and EPA's responses are set forth below.

Comment: CMA commented that EPA is treating EPA policy with the same weight as regulation is arriving at a limited disapproval of these rules. Specifically, CMA believes that EPA implies that the portions of the proposed Post-1987 ozone and carbon monoxide policy that concern reasonably available control technology (RACT), 52 FR 45044 (November 24, 1987) and the associated guidance document "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (the "Blue Book") carry the same weight as a regulation. They note that the post-87

guidance document was never finalized in the **Federal Register** and that it needs to be finalized in order to carry the weight of regulation. As evidence that EPA is using this guidance as regulation, CMA asserts that EPA based the limited disapproval for at least three of these rules in part on the fact that the districts "did not use the exact methods prescribed by EPA for RACT" (CMA letter p.1).

Response: As an initial matter, EPA notes that it did not base its limited disapproval in any manner on whether the districts used the "exact methods" set forth in EPA guidance. Rather, EPA properly considered whether the submitted rules were consistent with EPA's guidance and, therefore, met the requirement of section 182(a)(2)(A). Section 182(a)(2)(A) of the CAA requires that areas retaining their nonattainment designation pursuant to the CAA and classified as marginal or above submit "provisions to correct requirements in (or add requirements to) the (SIP) plan concerning reasonably available control technology as were required under section 172(b) (of the preamended Act), as interpreted in guidance issued by the Administrator under section 108 before the date of enactment of the (1990 Clean Air Act Amendments)." As discussed in the NPRs, the Post-1987 policy and the Blue Book are part of the preamendment guidance referenced in section 182(a)(2)(A). Therefore, under the amended Act, EPA was required to analyze the districts' submittals to determine if they were consistent with the Blue Book and the Post-1987 guidance.

The test method deficiencies mentioned in CMA's letter are enforceability deficiencies. The pre-amendment guidance interpreted the Act's enforceability and RACT requirements under sections 110(a)(2)(D) [1] and 172(b) (1977 Act), respectively, to require these measures. The submitted rules either lack a test method where one is necessary to enforce the rule or they are ambiguous on which test method is used to enforce the rule. Because these deficiencies may make parts of each rule unenforceable or difficult to enforce, the rules are inconsistent with the requirements of sections 110(a)(2)(D) and 172(b) of the preamended Act as interpreted in EPA's pre-amendment guidance.

Comment: SDCAPCD commented that submitted Rule 61.9 was originally revised and adopted with input from EPA, but that EPA's comments on the rule during public workshops and hearings never mentioned the deficiencies that are now being cited as the reason for a limited disapproval. SDCAPCD believes that Rule 61.9 should be approved because the district revised the rule according to EPA's comments and no other deficiencies in the rule were cited by EPA at the time the rule was adopted. The district also believes that they should not be required to expend the time and cost of revising the rule as a result of EPA's original failure to identify all rule deficiencies. The district would like to wait and correct the deficiencies when the rule is next amended to meet State requirements.

Response: EPA regrets that not all of the deficiencies in the rule were noted by EPA at the time that the district revised the rule and that revising the rule again may be a burden to the district. However, the primary responsibility for identifying rule deficiencies was with the district, and EPA's failure to identify all rule deficiencies during the local public workshops and hearings for the rule does not excuse compliance with CAA requirements. EPA believes that the CAA allows the district adequate time to revise the rule before sanctions or a FIP would be required.

EPA Action

EPA is today finalizing a limited approval and limited disapproval of BAAQMD's Rule 8-8, Wastewater (Oil-Water Separators); SDCAPCD's Rule 61.9, Separation of Organic Compounds from Water; SCAQMD's Rule 1176, Sumps and Wastewater Separators; SCAQMD's Rule 1162, Polyester Resin Operations; SCAQMD's Rule 1173, Fugitive Emissions of Volatile Organic Compounds; and SCAQMD's Rule 1175, Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products.

The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rules meet the requirements of section 110(a) of the Act as strengthening the SIP; however, the rules do not meet the section 182(a)(2)(A) CAA requirements because of the rule deficiencies which were discussed in the NPR. Thus, in order to strengthen the SIP, EPA is granting limited approval of these rules under section 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of Part D of the Act. Under section 179(a)(2), when the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiencies are corrected within 18 months of the disapproval. Section 179(b) provides two sanctions available to the Administrator: Highway funding and offsets. Moreover, this final disapproval triggers the FIP requirement under section 110(c). Section 110(c) requires that the Administrator promulgate a FIP if the Administrator disapproves a SIP submission unless the deficiencies have been corrected within 24 months. The 18 month period referred to in section 179(a) and the 24 month period referred to in section 110(c) will begin 30 days from today.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 28, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition

[1] This requirement is now required under section 110(a)(2)(C) of the CAA.

for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 18, 1992.

John Wise,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, subpart F, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(182), (183)(i)(A)(*2*), (184)(i)(B)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(182) New and amended regulations for the following APCDs were submitted on December 31, 1990, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(*1*) Rules 1175 and 1176, adopted on January 5, 1990.

(B) Bay Area Air Quality Management District.

(*1*) Regulation 8, Rule 8, adopted on November 1, 1989.

(183) * * *

(i) * * *

(A) * * *

(*2*) Rule 61.9, adopted on March 14, 1989.

* * * * *

(184) * * *

(i) * * *

(B) * * *

(*2*) Rules 1162 and 1173, adopted on December 7, 1990.

* * * * *

[FR Doc. 92–25114 Filed 10–23–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[VA6-3-5608; A-1-FRL-4522-9]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia on September 28, 1989. This revision amends the motor vehicle Inspection and Maintenance (I/M) program. The intended effect of this action is to eliminate I/M operating problems identified in a June, 1984 audit of the Virginia program. In March of 1987, EPA officially notified the Governor of Virginia that the I/M program was not meeting the minimum emission reductions requirements (MERR) for hydrocarbons and carbon monoxide as required in the Virginia SIP. EPA requested that the problems be resolved by a corrective action plan. The Commonwealth responded by adopting new regulations for governing the I/M program operation and new emission analyzer specifications. The intended effect of this action is to approve the regulations that the Commonwealth adopted and thereby fulfill the I/M emission reduction commitments made in the currently approved Northern Virginia attainment plan. This SIP revision was not submitted to satisfy the Clean Air Act Amendments (CAAA) of 1990 requirements for I/M. Virginia must make further amendments to its SIP to satisfy the CAAA of 1990 requirements for I/M. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on November 25, 1992.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Virginia Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia, 23240.

FOR FURTHER INFORMATION CONTACT: Brian K. Rehn, (215) 597–4554.

SUPPLEMENTARY INFORMATION:

Background

On August 11, 1992 (57 FR 35769), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of amendments to the Commonwealth's I/M program. The formal SIP revision was submitted by Virginia on September 28, 1989. The SIP revision consists of Regulation VR 120–99–01, Regulation for the Control of Motor Vehicle Emissions; and Regulation VR 120–99–02, Regulation for Vehicle Emission Control Program Analyzer Systems, as published in The Virginia Register of Regulations.

Section 172(b)(11)(B) of the Clean Air Act as amended in 1977 required a motor vehicle I/M program as an element of the 1979 SIP revisions for major urban areas which could not reach attainment of either ozone or carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS). As a result, the Commonwealth implemented an I/M program on December 11, 1981.

EPA audited the Virginia I/M program in June of 1984 and discovered serious operating problems related to improper testing and excessive cost waiver issuance. In March of 1987, EPA sent a letter to Virginia's Governor notifying him of the program's deficiencies and requesting that a corrective action plan be developed and implemented.

The SIP revision which is the subject of today's rulemaking was not submitted to satisfy the CAAA of 1990. The Virginia Department of Air Pollution Control is fully aware that revisions to the Commonwealth's SIP are required pursuant to the amended Clean Air Act. This revision was submitted on September 28, 1989 and serves to strengthen the current SIP. This revision in no way relieves the Commonwealth of the requirements of the CAAA of 1990 for I/M

Evaluation of the Submitted Revision

The United States House of Representatives Committee report on the 1977 Clean Air Act Amendments required I/M programs to meet certain minimum emission reduction requirements (MERR). The report identified MERR for I/M programs as the level of effectiveness of the New Jersey I/M program at that time. The NJ I/M program included the following: A 1983 start year; a failure rate of 20 percent for pre-1981 model year vehicles; 20 model year coverage; a zero percent waiver rate; a 100 percent compliance rate; an annual, centralized program design utilizing idle testing; and

coverage of light-duty vehicles up to 6,000 pounds gross vehicle weight rating.

EPA required specific elements to be part of all I/M programs to achieve MERR in a January 22, 1981 (46 FR 7182) notice entitled, "State Implementation Plans, Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension". In addition, specific requirements for decentralized programs (of which Virginia is one) were required by an EPA I/M policy memorandum dated July 17, 1978. These measures included licensing and recordkeeping requirements, and several additional State oversight provisions. For further details regarding any of the I/M requirements of the aforementioned documents, please refer to the NPR and the TSD for this action.

Major changes to Virginia's program to fulfill the above listed requirements include: New emission test cutpoints covering expanded model years; a switch from annual to biennial testing; changes to waiver provisions eliminating permanent waivers and raising required cost expenditures required for a new two-year waiver; new, more advanced emissions test equipment; an anti-tampering program; and transferral of program management responsibility from the State Police to the Department of Air Pollution Control. For details concerning these changes please refer to the technical support document (TSD) related to this action.

The Commonwealth's I/M program did not realize the full emissions reductions claimed in the Virginia SIP from 1983, the time of the program's introduction, to 1989, when the aforementioned corrections became effective. Credit obtained from carbon monoxide reductions obtained from the program between 1989 and 1992, and from hydrocarbon emission reductions from 1989 to 1991 must be applied to offset the emissions reductions shortfall due to program operating problems that occurred between 1983 and 1989. Consequently, these credits cannot be applied toward any future attainment demonstration or I/M emission reduction requirements.

Other specific requirements of these amendments to Virginia's I/M program and the rationale for EPA's proposed action are explained in the NPR or the TSD for this action, and will not be restated here. No public comments were received on the NPR.

Final Action

EPA is approving this revision to the Virginia SIP, that amends the Northern Virginia Motor Vehicle I/M program by adopting new regulations governing the I/M program operation (Regulation VR 120-99-01) and new emission analyzer specifications (Regulation VR 120-99-02). This SIP submittal was not submitted to satisfy the requirements of the CAAA of 1990. The Virginia Department of Air Pollution Control is aware that further revisions to Virginia's SIP are necessary to meet the requirements of the amended Clean Air Act. This revision was submitted on September 28, 1989 and serves to strengthen the current SIP, but in no way does it relieve the Commonwealth of the requirements set forth in the CAAA of 1990.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternately, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, which amends Virginia's I/M program, must be filed in the United States Court of Appeals for the appropriate circuit by December 28, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: October 6, 1992.

Edwin B. Erickson,

Regional Administrator, Region III.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(97) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(97) Revision to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on September 28, 1989.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated September 28, 1989 submitting a revision to the Virginia State Implementation Plan.

(B) "Regulation for the Control of Motor Vehicle Emissions" (VR 120-99-01), as published in The Virginia Register of Regulations (Monday, July

31, 1989—Volume 5, Issue 22), with an effective date of October 1, 1989.

(C) "Regulation for Vehicle Emission Control Program Analyzer Systems" (VR 120-99-02), as published in The Virginia Register of Regulations (Monday, November 21, 1988—Volume 5, Issue 4), with an effective date of January 1, 1989.

(ii) Additional materials.

(A) The remainder of the State submittal.

[FR Doc. 92-25638 Filed 10-23-92; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[MN9-1-5375; FRL-4525-7]

Designation of Areas for Air Quality Planning Purposes; MN

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: On March 9, 1989, the State of Minnesota requested that all areas in the State which are designated nonattainment for TSP except for portions of Ramsey County be redesignated to unclassified. Additionally, on March 29, 1991, Minnesota requested that attainment designations in the State be changed from a State-wide basis to a county-wide basis. On November 26, 1991, Minnesota submitted an additional request for TSP redesignations. USEPA is approving these requests.

EFFECTIVE DATE: This final rulemaking will be effective on December 28, 1992, unless notice is received by November 25, 1992 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the SIP revision and the August 25, 1952, technical support document are available at the following addresses for review: (It is recommended that you telephone John Summerhays at (312) 886-6067, before visiting the Region V office.)

U.S. Environmental Protection Agency (AE-17J), Region V, Air Enforcement Branch, 77 West Jackson Blvd., Chicago, Illinois 60604-3590.

Written Comments should be sent to: William MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of today's revision to the Minnesota SIP is available for inspection at: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW. Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. (312) 886-6067.

SUPPLEMENTARY INFORMATION: On March 9, 1989, the State of Minnesota requested that all areas in the State which are designated nonattainment for TSP except for portions of Ramsey County be redesignated to unclassifiable. Additionally, on March 29, 1991, Minnesota requested that attainment designations in the State be changed from a State-wide basis to a county-wide basis. On November 26, 1991, Minnesota submitted an additional request for TSP redesignations.

USEPA guidance on TSP redesignation requests is provided in a May 20, 1992, memorandum from Joseph W. Paisie entitled "TSP Redesignation Requests." Today's action is conducted in accordance with this guidance.

A National Ambient Air Quality Standards (NAAQS) for particulate matter expressed as TSP was promulgated in 1971. Designations of whether areas were attaining this standard were provided for in the Clean Air Act Amendments of 1977, and the original designations were promulgated in 1978. On July 1, 1987, USEPA promulgated the NAAQS for fine particulate matter, to address particles having a nominal aerodynamic diameter of 10 microns or less. This NAAQS replaced the NAAQS for TSP. However, since the Agency determined that the new standard would be implemented pursuant to section 110 of the Clean Air Act rather than part D, the designation process of section 107 did not apply to the new standard. At the same time, USEPA retained the designations for the prior NAAQS for TSP. USEPA has also not promulgated increments for the new standard for use in the prevention of significant deterioration (PSD) program. Consequently, until such increments are established, USEPA is using TSP designations to trigger PSD review (for TSP attainment areas) or nonattainment area new source review (for TSP nonattainment areas).

The Clean Air Act Amendments of 1990 provided for designations for the newer, fine particulate matter standards. Under these new statutory provisions, two areas in Minnesota have been designated nonattainment for the fine particulate matter standard: A portion of Saint Paul (in Ramsey County), and a portion of Rochester (in Olmsted County). Areas in Minnesota currently designated nonattainment for TSP include portions of Anoka, Dakota, Hennepin, Ramsey, Washington, Koochiching, Saint Louis, Goodhue, Sherburne, Stearns, and Brown Counties. The area in Ramsey County designated nonattainment for TSP is larger than the area designated nonattainment for fine particulate matter and the area in Rochester designated nonattainment for fine particulate matter is designated attainment for TSP.

The Clean Air Act Amendments of 1990 include a new section 107(d)(4)(B), specifying that TSP designations "shall remain in effect for purposes of implementing the maximum allowable increases in concentrations of particulate matter (measured in terms of total suspended particulates) pursuant to section 163(b) [specifying PSD increments], until the Administrator determines that such designation is no longer necessary for that purpose." USEPA believes that this section, and not section 107(d)(3), establishes the criteria to be used in evaluating TSP redesignation requests.

Several considerations are warranted in addressing TSP redesignation requests. First, if the SIP provides that emission control requirements are in any way relaxed by the redesignation of an area, then requirements in the Clean Air Act for relaxations must be met. This is irrelevant to Minnesota's request, since none of the emissions limitations in the SIP are predicated on designations. Second, if any area in the State did not have a fully approved particulate matter SIP, it would be appropriate to retain the more stringent nonattainment area new source review requirements pending full SIP approval. However, this is again a moot point, since Minnesota's particulate matter SIP was conditionally approved Statewide on May 6, 1982 (see 47 FR 19520), and a notice of final rulemaking stating that the condition was satisfied and was signed June 25, 1992.

As a third consideration, it is appropriate at a minimum to have areas that are designated nonattainment for fine particulate matter also be designated nonattainment for TSP. By this means, new sources in fine particulate matter nonattainment areas will be subject to requirements for TSP (including lowest achievable emissions rates and offsets but excluding increment tracking) that are consistent with requirements for fine particulate matter. The State of Minnesota clearly envisions that the relevant portion of Ramsey County would be kept

nonattainment. The State has also implicitly requested a nonattainment designation for the portion of Rochester that is designated nonattainment for fine particulate matter. For consistency with the Rochester area's nonattainment designation for fine particulate matter, it is appropriate to redesignate the same area nonattainment for TSP.

A second request by the State is to present its attainment designations on a county-by-county basis rather than on a "Remainder of State" basis. This request reflects the fact that the PSD program includes a baseline date for tracking of increment consumption which is triggered within an area once a major source permit is granted anywhere in the area. Thus, Minnesota's requested change would generally provide that the baseline date for increment consumption tracking would be triggered generally only for the county in which a major source permit is granted, rather than being triggered Statewide by a major source permit being granted anywhere in the State. A cautionary note here is that baseline dates which have already been triggered would not be "untriggered" by this change. A second cautionary note is that in cases where a major source's significant impact area extends into another county, the baseline date would also be triggered for that other county's portion of the significant impact area.

Today's Action

USEPA is today making the designations for TSP in Minnesota consistent with the designations for fine particulate matter. Specifically, the portion of Olmsted County designated nonattainment for fine particulate matter is being redesignated to nonattainment for TSP, the portion of Ramsey County designated nonattainment for fine particulate matter is retaining its TSP nonattainment designation, and all other portions of the State are being designated attainment for TSP [1]. In Addition, USEPA is approving Minnesota's request to modify the designation tables for all pollutants to identify attainment and unclassifiable areas on a county by county basis.

USEPA has reviewed the State's request for conformance with the provisions of the Clean Air Act Amendments of 1990. The Agency has determined that this action conforms with requirements under the amended Clean Air Act irrespective of the fact that this submittal preceded the date of enactment of the amendments.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area either to nonattainment or to attainment does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

Because USEPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on (60 days from the date of this notice). However, if we receive notice by (30 days from the date of this notice) that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request redesignations. Each redesignation request shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table Three action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Tables Two and Three SIP revisions (54 FR 222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years. USEPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 28, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

List of Subjects in 40 CFR Part 81

Air pollution control, National Parks Wilderness Areas.

Dated: September 23, 1992.

William H. Sanders III,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 81, is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7407, 7501–7515, 7601.

2. Section 81.324 is revised to read as follows:

§ 81.324 Minnesota.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Minnesota—TSP				
AQCR 131:				
Anoka County				X
Carver County				X

[1] Although designations of unclassifiable could also be justified and would have the same practical implications on new source requirements, USEPA is designating these areas attainment for consistency with other areas in the State.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Dakota County				X
Hennepin County				X
Ramsey County—The area bounded by the Mississippi River from Lafayette to Route 494, Route 494 east to Route 61, Route 61 north to I-94, I-94 west to Lafayette, and Lafayette south to the Mississippi River..	X			
Remainder of County				X
Scott County				X
Washington County				X
Aitkin County				X
Becker County				X
Beltrami County				X
Benton County				X
Big Stone County				X
Blue Earth County				X
Brown County				X
Carlton County				X
Cass County				X
Chippewa County				X
Chisago County				X
Clay County				X
Clearwater County				X
Cook County				X
Cottonwood County				X
Crow Wing County				X
Dodge County				X
Douglas County				X
Faribault County				X
Fillmore County				X
Freeborn County				X
Goodhue County				X
Grant County				X
Houston County				X
Hubbard County				X
Isanti County				X
Itasca County				X
Jackson County				X
Kanabec County				X
Kandiyohi County				X
Kittson County				X
Koochiching County				X
Lac qui Parle County				X
Lake County				X
Lake of the Woods County				X
Le Sueur County				X
Lincoln County				X
Lyon County				X
Mahnomen County				X
Marshall County				X
Martin County				X
McLeod County				X
Meeker County				X
Mille Lacs County				X
Morrison County				X
Mower County				X
Murray County				X
Nicollet County				X
Nobles County				X
Norman County				X
Olmsted—The area bounded on the south by U.S. Highway 14; on the west by U.S. Highway 52; on the north by 14th Street N.W. between U.S. Highway 52 and U.S. Route 63 (Broadway Avenue), U.S. Route 63 north to Northern Heights Drive, N.E. and Northern Heights Drive N.E. extended east to the 1990 City of Rochester limits; and on the east by the 1990 City of Rochester limits.	X			
Rest of County				X
Otter Tail County				X
Pennington County				X
Pine County				X
Pipestone County				X
Polk County				X
Pope County				X
Red Lake County				X
Redwood County				X
Renville County				X
Rice County				X
Rock County				X
Roseau County				X
Saint Louis County				X
Sherburne County				X

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Sibley County				X
Stearns County				X
Steele County				X
Stevens County				X
Swift County				X
Todd County				X
Traverse County				X
Wabasha County				X
Wadena County				X
Waseca County				X
Watonwan County				X
Wilkin County				X
Winona County				X
Wright County				X
Yellow Medicine County				X
Minnesota—SO_2				
AQCR 131:				
Anoka County	X			
Carver County	X			
Dakota County	X			
Hennepin County	X			
Ramsey County	X			
Scott County	X			
Washington County	X			
Aitkin County				X
Becker County				X
Beltrami County				X
Benton County				X
Big Stone County				X
Blue Earth County				X
Brown County				X
Carlton County				X
Cass County				X
Chippewa County				X
Chisago County				X
Clay County				X
Clearwater County				X
Cook County				X
Cottonwood County				X
Crow Wing County				X
Dodge County				X
Douglas County				X
Faribault County				X
Fillmore County				X
Freeborn County				X
Goodhue County				X
Grant County				X
Houston County				X
Hubbard County				X
Isanti County				X
Itasca County				X
Jackson County				X
Kanabec County				X
Kandiyohi County				X
Kittson County				X
Koochiching County				X
Lac qui Parle County				X
Lake County				X
Lake of the Woods County				X
Le Sueur County				X
Lincoln County				X
Lyon County				X
Mahnomen County				X
Marshall County				X
Martin County				X
McLeod County				X
Meeker County				X
Mille Lacs County				X
Morrison County				X
Mower County				X
Murray County				X
Nicollet County				X
Nobles County				X
Norman County				X
Olmsted:				
City of Rochester	X			

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Remainder of County				X
Otter Tail County				X
Pennington County				X
Pine County				X
Pipestone County				X
Polk County				X
Pope County				X
Red Lake County				X
Redwood County				X
Renville County				X
Rice County				X
Rock County				X
Roseau County				X
Saint Louis County				X
Sherburne County			X	
Sibley County				X
Sterans County				X
Steele County				X
Stevens County				X
Swift County				X
Todd County				X
Traverse County				X
Wabasha County				X
Wadena County				X
Waseca County				X
Watonwan County				X
Wilkin County				X
Winona County				X
Wright County				X
Yellow Medicine County				X

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Minnesota—CO[1]				
Minneapolis-Saint Paul Area: Anoka County		Nonattainment		Moderate <12.7 ppm.
Carver County (part): Carver, Chanhassen, Chaska, Hamburg, Norwood, Victoria, Waconia, Watertown, Young America, Chaska Township, Laketown Township, Waconia Township, Watertown Township, Young America Township.		Nonattainment		Moderate <12.7 ppm.
Dakota County (part): Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Lilydale, Mendota, Mendota Heights, Rosemount, South St. Paul, Sunfish Lake, West St. Paul.		Nonattainment		Moderate <12.7 ppm.
Hennepin County		Nonattainment		Moderate <12.7 ppm.
Ramsey County		Nonattainment		Moderate <12.7 ppm.
Scott County (part): Belle Plaine, Elko, New Market, New Prague, Prior Lake, Savage, Shakopee, Credit River Township, Jackson Township, Louisville Township, New Market Township, Spring Lake Townships.		Nonattainment		Moderate <12.7 ppm.
Washington County (part): All cities and townships except Denmark Township.		Nonattainment		Moderate <12.7 ppm.
Wright County (part): Albertville, Annandale, Buffalo, Clearwater, Cokato, Delano, Hanover Monticello, Montrose, Rockford, St. Michael, South Haven, Waverly, Dayton (Wright Co. part), Buffalo Township, Chatham Township, Clearwater Township, Cokato Township, Corrinna Township, Frankfort Township, Maple Lake Township, Franklin Township, Marysville Township, Monticello Township, Ostego Township, Rockford Township, Silver Creek Township, Southside Township.		Nonattainment		Moderate <12.7 ppm.
AQCR 131 Minneapolis-St. Paul Intrastate (Remainder of):				
Carver County (part): Remainder of County		Unclassifiable/Attainment		
Dakota County (part): Remainder of County		Unclassifiable/Attainment		
Scott County (part): Remainder of County		Unclassifiable/Attainment		
Washington County (part): Denmark Township		Unclassifiable/Attainment		
Wright County (part): Remainder of County		Unclassifiable/Attainment		
Aitkin County		Unclassifiable/Attainment		
Becker County		Unclassifiable/Attainment		
Beltrami County		Unclassifiable/Attainment		
Benton County[2]		Unclassifiable/Attainment		
Big Stone County		Unclassifiable/Attainment		
Blue Earth County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Carlton County		Unclassifiable/Attainment		
Cass County		Unclassifiable/Attainment		
Chippewa County		Unclassifiable/Attainment		
Chisago County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clearwater County		Unclassifiable/Attainment		

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Cook County		Unclassifiable/Attainment		
Cottonwood County		Unclassifiable/Attainment		
Crow Wing County		Unclassifiable/Attainment		
Dodge County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Faribault County		Unclassifiable/Attainment		
Fillmore County		Unclassifiable/Attainment		
Freeborn County		Unclassifiable/Attainment		
Goodhue County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Houston County		Unclassifiable/Attainment		
Hubbard County		Unclassifiable/Attainment		
Isanti County		Unclassifiable/Attainment		
Itasca County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Kanabec County		Unclassifiable/Attainment		
Kandiyohi County		Unclassifiable/Attainment		
Kittson County		Unclassifiable/Attainment		
Koochiching County		Unclassifiable/Attainment		
Lac qui Parle County		Unclassifiable/Attainment		
Lake County		Unclassifiable/Attainment		
Lake of the Woods County		Unclassifiable/Attainment		
Le Sueur County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Lyon County		Unclassifiable/Attainment		
Mahnomen County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
McLeod County		Unclassifiable/Attainment		
Meeker County		Unclassifiable/Attainment		
Mille Lacs County		Unclassifiable/Attainment		
Morrison County		Unclassifiable/Attainment		
Mower County		Unclassifiable/Attainment		
Murray County		Unclassifiable/Attainment		
Nicollet County		Unclassifiable/Attainment		
Nobles County		Unclassifiable/Attainment		
Norman County		Unclassifiable/Attainment		
Olmsted County		Unclassifiable/Attainment		
Otter Tail County		Unclassifiable/Attainment		
Pennington County		Unclassifiable/Attainment		
Pine County		Unclassifiable/Attainment		
Pipestone County		Unclassifiable/Attainment		
Polk County		Unclassifiable/Attainment		
Pope County		Unclassifiable/Attainment		
Red Lake County		Unclassifiable/Attainment		
Redwood County		Unclassifiable/Attainment		
Renville County		Unclassifiable/Attainment		
Rice County		Unclassifiable/Attainment		
Rock County		Unclassifiable/Attainment		
Roseau County		Unclassifiable/Attainment		
Saint Louis County:				
City of Duluth	1/6/92	Nonattainment	1/6/92	Moderate <12.7 ppm.
Remainder of County		Unclassifiable/Attainment		
Sherburne County[2]		Unclassifiable/Attainment		
Sibley County		Unclassifiable/Attainment		
Stearns County[2]		Unclassifiable/Attainment		
Steele County		Unclassifiable/Attainment		
Stevens County		Unclassifiable/Attainment		
Swift County		Unclassifiable/Attainment		
Todd County		Unclassifiable/Attainment		
Traverse County		Unclassifiable/Attainment		
Wabasha County		Unclassifiable/Attainment		
Wadena County		Unclassifiable/Attainment		
Waseca County		Unclassifiable/Attainment		
Watonwan County		Unclassifiable/Attainment		
Wilkin County		Unclassifiable/Attainment		
Winona County		Unclassifiable/Attainment		
Yellow Medicine County		Unclassifiable/Attainment		
Minnesota—Lead				
Dakota County (part): Lone Oak Road (County Road 26) to the north, County Road 63 to the east, Westcott Road to the south, and Lexington Avenue (County Road 43) to the west.	1/6/92	Nonattainment		
Rest of State Not Designated.				
Minnesota—Ozone				
Minneapolis-Saint Paul Area:				
Anoka County		Unclassifiable/Attainment		
Carver County		Unclassifiable/Attainment		
Dakota County		Unclassifiable/Attainment		
Hennepin County		Unclassifiable/Attainment		

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Ramsey County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Aitkin County		Unclassifiable/Attainment		
Becker County		Unclassifiable/Attainment		
Beltrami County		Unclassifiable/Attainment		
Benton County		Unclassifiable/Attainment		
Big Stone County		Unclassifiable/Attainment		
Blue Earth County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Carlton County		Unclassifiable/Attainment		
Cass County		Unclassifiable/Attainment		
Chippewa County		Unclassifiable/Attainment		
Chisago County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clearwater County		Unclassifiable/Attainment		
Cook County		Unclassifiable/Attainment		
Cottonwood County		Unclassifiable/Attainment		
Crow Wing County		Unclassifiable/Attainment		
Dodge County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Faribault County		Unclassifiable/Attainment		
Fillmore County		Unclassifiable/Attainment		
Freeborn County		Unclassifiable/Attainment		
Goodhue County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Houston County		Unclassifiable/Attainment		
Hubbard County		Unclassifiable/Attainment		
Isanti County		Unclassifiable/Attainment		
Itasca County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Kanabec County		Unclassifiable/Attainment		
Kandiyohi County		Unclassifiable/Attainment		
Kittson County		Unclassifiable/Attainment		
Koochiching County		Unclassifiable/Attainment		
Lac qui Parle County		Unclassifiable/Attainment		
Lake County		Unclassifiable/Attainment		
Lake of the Woods County		Unclassifiable/Attainment		
Le Sueur County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Lyon County		Unclassifiable/Attainment		
Mahnomen County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
McLeod County		Unclassifiable/Attainment		
Meeker County		Unclassifiable/Attainment		
Mille Lacs County		Unclassifiable/Attainment		
Morrison County		Unclassifiable/Attainment		
Mower County		Unclassifiable/Attainment		
Murray County		Unclassifiable/Attainment		
Nicollet County		Unclassifiable/Attainment		
Nobles County		Unclassifiable/Attainment		
Norman County		Unclassifiable/Attainment		
Olmsted County		Unclassifiable/Attainment		
Otter Tail County		Unclassifiable/Attainment		
Pennington County		Unclassifiable/Attainment		
Pine County		Unclassifiable/Attainment		
Pipestone County		Unclassifiable/Attainment		
Polk County		Unclassifiable/Attainment		
Pope County		Unclassifiable/Attainment		
Red Lake County		Unclassifiable/Attainment		
Redwood County		Unclassifiable/Attainment		
Renville County		Unclassifiable/Attainment		
Rice County		Unclassifiable/Attainment		
Rock County		Unclassifiable/Attainment		
Roseau County		Unclassifiable/Attainment		
Saint Louis County		Unclassifiable/Attainment		
Sherburne County		Unclassifiable/Attainment		
Sibley County		Unclassifiable/Attainment		
Stearns County		Unclassifiable/Attainment		
Steele County		Unclassifiable/Attainment		
Stevens County		Unclassifiable/Attainment		
Swift County		Unclassifiable/Attainment		
Todd County		Unclassifiable/Attainment		
Traverse County		Unclassifiable/Attainment		
Wabasha County		Unclassifiable/Attainment		
Wadena County		Unclassifiable/Attainment		
Waseca County		Unclassifiable/Attainment		
Watonwan County		Unclassifiable/Attainment		
Wilkin County		Unclassifiable/Attainment		

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Winona County		Unclassifiable/Attainment		
Wright County		Unclassifiable/Attainment		
Yellow Medicine County		Unclassifiable/Attainment		
Minnesota—PM-10				
Minneapolis-Saint Paul Area:				
Anoka County		Unclassifiable/Attainment		
Carver County		Unclassifiable/Attainment		
Dakota County		Unclassifiable/Attainment		
Hennepin County		Unclassifiable/Attainment		
Ramsey County:				
The area bounded by the Mississippi River from Lafayette to Route 494, Route 494 east to Route 61, Route 61 north to I-94, I-94 west to Lafayette, and Lafayette south to the Mississippi River.		Nonattainment		Moderate
Remainder of County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Aitkin County		Unclassifiable/Attainment		
Becker County		Unclassifiable/Attainment		
Beltrami County		Unclassifiable/Attainment		
Benton County		Unclassifiable/Attainment		
Big Stone County		Unclassifiable/Attainment		
Blue Earth County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Carlton County		Unclassifiable/Attainment		
Cass County		Unclassifiable/Attainment		
Chippewa County		Unclassifiable/Attainment		
Chisago County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clearwater County		Unclassifiable/Attainment		
Cook County		Unclassifiable/Attainment		
Cottonwood County		Unclassifiable/Attainment		
Crow Wing County		Unclassifiable/Attainment		
Dodge County		Unclassifiable/Attainment		
Douglas County		Unclassifiable/Attainment		
Faribault County		Unclassifiable/Attainment		
Fillmore County		Unclassifiable/Attainment		
Freeborn County		Unclassifiable/Attainment		
Goodhue County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Houston County		Unclassifiable/Attainment		
Hubbard County		Unclassifiable/Attainment		
Isanti County		Unclassifiable/Attainment		
Itasca County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Kanabec County		Unclassifiable/Attainment		
Kandiyohi County		Unclassifiable/Attainment		
Kittson County		Unclassifiable/Attainment		
Koochiching County		Unclassifiable/Attainment		
Lac qui Parle County		Unclassifiable/Attainment		
Lake County		Unclassifiable/Attainment		
Lake of the Woods County		Unclassifiable/Attainment		
Le Sueur County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Lyon County		Unclassifiable/Attainment		
Mahnomen County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
McLeod County		Unclassifiable/Attainment		
Meeker County		Unclassifiable/Attainment		
Mille Lacs County		Unclassifiable/Attainment		
Morrison County		Unclassifiable/Attainment		
Mower County		Unclassifiable/Attainment		
Murray County		Unclassifiable/Attainment		
Nicollet County		Unclassifiable/Attainment		
Nobles County		Unclassifiable/Attainment		
Norman County		Unclassifiable/Attainment		
Olmsted:				
The area bounded on the south by U.S. Highway 14; on the west by U.S. Highway 52; on the north by 14th Street N.W. between U.S. Highway 52 and U.S. Route 63 (Broadway Avenue), U.S. Route 63 north to Northern Heights Drive, N.E. and Northern Heights Drive N.E. extended east to the 1990 City of Rochester limits; and on the east by the 1990 City of Rochester limits.		Nonattainment		Moderate
Remainder of County		Unclassifiable/Attainment		
Otter Tail County		Unclassifiable/Attainment		
Pennington County		Unclassifiable/Attainment		
Pine County		Unclassifiable/Attainment		
Pipestone County		Unclassifiable/Attainment		
Polk County		Unclassifiable/Attainment		

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
Pope County		Unclassifiable/Attainment		
Red Lake County		Unclassifiable/Attainment		
Redwood County		Unclassifiable/Attainment		
Renville County		Unclassifiable/Attainment		
Rice County		Unclassifiable/Attainment		
Rock County		Unclassifiable/Attainment		
Roseau County		Unclassifiable/Attainment		
Saint Louis County		Unclassifiable/Attainment		
Sherburne County		Unclassifiable/Attainment		
Sibley County		Unclassifiable/Attainment		
Stearns County		Unclassifiable/Attainment		
Steele County		Unclassifiable/Attainment		
Stevens County		Unclassifiable/Attainment		
Swift County		Unclassifiable/Attainment		
Todd County		Unclassifiable/Attainment		
Traverse County		Unclassifiable/Attainment		
Wabasha County		Unclassifiable/Attainment		
Wadena County		Unclassifiable/Attainment		
Waseca County		Unclassifiable/Attainment		
Watonwan County		Unclassifiable/Attainment		
Wilkin County		Unclassifiable/Attainment		
Winona County		Unclassifiable/Attainment		
Wright County		Unclassifiable/Attainment		
Yellow Medicine County		Unclassifiable/Attainment		

[1]This date is November 15, 1990, unless otherwise noted.

[2]The City of St. Cloud, which is comprised of portions of Benton, Sherburne, and Stearns Counties was designated nonattainment for CO under the pre-amended Act. See 43 FR 8962 (March 3, 1978), 40 CFR Part 81. As such, the St. Cloud area retained its designation of nonattainment upon enactment of the CAAA on November 15, 1990. CAA §107(d)(1)(C), 42 U.S.C. §7407(d)(1)(C). However, EPA expects to imminently publish a direct-final notice in the FEDERAL REGISTER redesignating the City of St. Cloud from nonattainment to attainment for CO. If EPA receives notification within 30 days of the direct-final action that a party wishes to comment adversely on the redesignation, EPA will withdraw the direct-final action and issue a proposed rule redesignating St. Cloud to attainment. Based on the comments the Agency receives and the underlying facts, EPA then will decide whether to issue a final redesignation to attainment. If EPA determines in the final notice to retain St. Cloud's nonattainment designation, this table will be revised at that time. If EPA does not receive notification of any adverse comments, then St. Cloud will be redesignated attainment 60 days from publication of the direct-final redesignation action and the attainment designation indicated in this notice for those portions of Benton, Sherburne, and Stearns Counties that comprise the City of St. Cloud will stand. However, until such time as the redesignation to attainment becomes final pursuant to EPA's action on the redesignation request, the attainment listing for those portions of Benton, Sherburne, and Stearns Counties that comprise the City of St. Cloud will have no force and effect.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Minnesota—NO_2				
AQCR 131:				
Anoka County				X
Carver County				X
Dakota County				X
Hennepin County				X
Ramsey County				X
Scott County				X
Washington County				X
Aitkin County				X
Becker County				X
Beltrami County				X
Benton County				X
Big Stone County				X
Blue Earth County				X
Brown County				X
Carlton County				X
Cass County				X
Chippewa County				X
Chisago County				X
Clay County				X
Clearwater County				X
Cook County				X
Cottonwood County				X
Crow Wing County				X
Dodge County				X
Douglas County				X
Faribault County				X
Fillmore County				X
Freeborn County				X
Goodhue County				X
Grant County				X
Houston County				X
Hubbard County				X
Isanti County				X
Itasca County				X
Jackson County				X
Kanabec County				X
Kandiyohi County				X

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Kittson County				X
Koochiching County				X
Lac qui Parle County				X
Lake County				X
Lake of the Woods County				X
Le Sueur County				X
Lincoln County				X
Lyon County				X
Mahnomen County				X
Marshall County				X
Martin County				X
McLeod County				X
Meeker County				X
Mille Lacs County				X
Morrison County				X
Mower County				X
Murray County				X
Nicollet County				X
Nobles County				X
Norman County				X
Olmsted County				X
Otter Tail County				X
Pennington County				X
Pine County				X
Pipestone County				X
Polk County				X
Pope County				X
Red Lake County				X
Redwood County				X
Renville County				X
Rice County				X
Rock County				X
Roseau County				X
Saint Louis County				X
Sherburne County				X
Sibley County				X
Stearns County				X
Steele County				X
Stevens County				X
Swift County				X
Todd County				X
Traverse County				X
Wabasha County				X
Wadena County				X
Waseca County				X
Watonwan County				X
Wilkin County				X
Winona County				X
Wright County				X
Yellow Medicine County				X

[FR Doc. 92-25763 Filed 10-23-92; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 25

[FAC 90-14; FAR Case 92-621]

Federal Acquisition Regulation; Foreign Acquisition

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

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule revising the list at FAR 25.401 of countries subject to the Agreement on Government Procurement to include Spain, Greece, and Liechtenstein.

EFFECTIVE DATE: October 23, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb at (202) 501-4547 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4037, GSA Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-14, FAR Case 92-621.

SUPPLEMENTARY INFORMATION:

A. Background

Under sections 301 and 302 of the Trade Agreements Act of 1979, as amended, and pursuant to Executive Order 12260, as amended, the U.S. Trade Representative has designated Spain, Greece, and Liechtenstein, as designated countries.

B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comments is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C.

601, *et seq.* (FAC 90–14, FAR case 92–621), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 25

Government procurement.

Dated: October 22, 1992.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Federal Acquisition Circular

[Number 90–14]

October 23, 1992.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC–14 is effective October 23, 1992.

Dated: October 22, 1994.

Eleanor R. Spector,

Director, Defense Procurement, Department of Defense.

Dated: October 22, 1992.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy, General Services Administration.

Dated: October 22, 1992.

Don G. Bush,

Assistant Administrator for Procurement, NASA.

Therefore, 48 CFR part 25 is amended as set forth below:

PART 25—FOREIGN ACQUISITION

1. The authority citation for 48 CFR part 25 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

§ 25.401 [Amended]

2. Section 25.401 is amended in the list of designated countries under the definition "Designated country" by adding in alphabetical order "Greece", "Liechtenstein", and "Spain".

* * * * *

[FR Doc. 92–26054 Filed 10–22–92; 3:52 pm]

BILLING CODE 6820–34–M

DEPARTMENT OF ENERGY

48 CFR Parts 909, 923, and 970

Acquisition Regulation

AGENCY: Department of Energy (DOE).

ACTION: Interim final rule; discussion of comments.

SUMMARY: DOE today publishes a notice to provide its disposition of public comments received in response to an invitation to comment on an interim final rule concerning Workplace Substance Abuse Programs at DOE Sites. That interim final rule, published in the **Federal Register** (57 FR 32673) on July 22, 1992, provided that it would automatically become a final rule on September 21, 1992, unless DOE took additional action in response to public comments. On the basis of the public comments received, DOE has determined not to amend the interim final rule, and it became a final rule on September 21, 1992.

FOR FURTHER INFORMATION CONTACT:

Edward R. Simpson, Office of Policy (PR–121), Office of Procurement, Assistance and Program Management, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, (202)–586–8246.

Mary Ann Masterson, Office of the Assistant General Counsel for Procurement and Finance (GC–34), U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, (202)–586–1526.

SUPPLEMENTARY INFORMATION:

I. General

DOE published an interim final rule in the **Federal Register** (57 FR 32673) on July 22, 1992 that amended the Department of Energy Acquisition Regulation (DEAR) to implement the requirements of 10 CFR part 707, Workplace Substance Abuse Programs at DOE Sites (57 FR 32651, July 22, 1992). The interim final rule amended subpart 909.1, added a new subpart 923.5 and a new § 970.5305, and provided a solicitation provision and contract clause in § 970.5204 as a means to contractually impose the requirements of 10 CFR part 707 on affected contractors. The DEAR coverage was considered derivative of the requirements of 10 CFR part 707 and imposed no new requirements concerning the policies, criteria, and procedures established by 10 CFR part 707. The interim final rule provided that the action would automatically become a final rule on September 21, 1992, unless DOE took additional action in response to public comments and published a document in the **Federal Register**.

In the interim final rule, DOE provided a 30-day period for public comment. Interested persons were invited to participate in the rulemaking process through the submission of views or arguments pertaining to the DEAR amendments set out in the interim final rule. Two organizations, a labor union and a parent company of a DOE management and operating contractor, responded with comments within the time frame established in the interim final rule. Another organization (a university operating a DOE laboratory) submitted its comments thereafter, but prior to DOE's full consideration of all of the timely comments. All comments were carefully assessed to determine their effect on the interim final rule, and on DOE's decision to allow the interim final rule to become final without change on September 21, 1992.

II. DOE Response to Public Comments

A summary of the public comments received and DOE's responses—thereto follow:

Comment: The commenter questioned the instructive language of DEAR 970.2305–4(b), entitled Solicitation provision and contract clause, to DOE contracting officers in that the language appeared to provide a means for the contracting officer to unilaterally insert the contract clause (see 970.5402–58, Workplace Substance Abuse Programs at DOE Sites) in contracts.

DOE response: DOE, in preparing the instructive language, has followed the drafting conventions of both the Federal Acquisition Regulation (FAR) and the DEAR. In both of these regulations, contract clauses are prescribed for use through introductory language such as that found in § 970.2305–4(b). Regarding the commenter's concern that the clause may be unilaterally imposed on a contract, DOE recognizes that, in all but a few instances (such as contract clauses mandated by statute), there must be mutual agreement regarding all of the terms and conditions of a contract, including those clauses prescribed in § 970.2305–4(b).

Comment: The commenter believes that the application of the requirements of 10 CFR part 707 to subcontractors will require a notice to be published in the **Federal Register**, because such application constitutes a "system of records" under 5 U.S.C. 552a(a)(5). The commenter believes also that the contract clause entitled "Privacy Act Notification" at FAR 52.224–1 would have to be included in any subcontract subject to 10 CFR part 707. Therefore, the interim final rule should be amended to address both of these matters.

DOE response: DOE disagrees with the commenter that the interim final rule should be amended to address either of these matters. The matter of whether the requirements of 10 CFR part 707 impose

a "system of records," as that term is used in 5 U.S.C. 552a(a)(5), is outside of the scope of the DEAR coverage. The DOE response to a public comment on the "system of records" issue was published in the **Federal Register** (57 FR 32652) as part of the final rule. In that response, DOE indicated that it has begun the process for establishing a system of records to maintain any documents generated in accordance with 10 CFR Part 707. Whether the clause "Privacy Act Notification" (FAR 52.224–1) would have to be included in any subcontract subject to 10 CFR part 707 is an administrative matter best handled as part of the subcontract consent process.

Comment: The commenter recommends that criteria for application of 10 CFR part 707 to subcontractors should be included in the DEAR.

DOE response: The criteria for applying the requirements of 10 CFR part 707 to subcontracts are set out in 10 CFR 707.2, Scope. It would be redundant to again express those criteria in the DEAR. It is consistent with the construction conventions of the Federal acquisition system that the DEAR only prescribe the flowdown requirements to subcontractors.

Comment: The commenter contends that the process set out in 10 CFR 707(a)(2) whereby DOE determines the applicability of the workplace substance abuse programs on a case-by-case basis could evolve into an unwarranted burden and complicate and delay prime contractor acquisitions. The DEAR should include standards to determine the flowdown requirements to permit applicability decisions to be made in a less burdensome manner.

DOE response: DOE disagrees with the recommendation that the DEAR coverage should include standards to be used in determining the applicability of 10 CFR part 707 to subcontractors and with the assertion that the establishment of such standards would necessarily result in a less burdensome process. DOE's standards for determining the applicability of a contract or subcontract are appropriately set forth in 10 CFR 707.2, Scope. DOE believes that such standards, including a case-by-case determination as to the applicability of the requirements of 10 CFR part 707, are necessary to protect DOE's safety, health, security, and environmental interests.

Comment: The commenter suggests that the interim final rule should be amended to permit a prime contractor to accept a certification from a subcontractor where a subcontractor is in compliance with another Federal workplace substance abuse program.

DOE response: DOE disagrees with the commenter. DOE's workplace substance abuse program is designed to meet DOE's safety, health, security, and environmental concerns and requirements as they relate to DOE's mission responsibilities. Therefore, DOE's interests are best served through the implementation and administration of a contractor workplace substance abuse program designed to accommodate DOE's objectives. To rely solely on another Federal agency program whose objectives may be incompatible with those of DOE would frustrate DOE's efforts to establish and maintain a consistent standard for a contractor workplace free from the use of illegal drugs. In any case, 10 CFR 707.7(d) provides that DOE may exempt a specific position that would otherwise be subject to testing, if such a position is within the scope of another comparable Federal drug testing program.

Comment: The commenter recommends that the interim final rule be amended to permit the prime contractor to include, and test, certain "on-site" subcontractor personnel in its own program.

DOE response: A contractor's workplace substance abuse program, including the testing procedures and the universe of employees in testing designated positions, is outside of the scope of the interim final rule. The interim final rule only serves to provide a means to contractually impose the requirements of 10 CFR part 707 on covered contractors; it does not, and is not intended to, establish the criteria, policies, and procedures for a contractor workplace substance abuse program. Specific requirements for a contractor's program fall within the purview of 10 CFR part 707. Therefore, no amendments will be made to the interim final rule to accommodate this comment.

Comment: Section 909.104–1 requires that the prospective contractor must certify and agree, in accordance with § 970.5204–57, Certification Regarding Workplace Substance Abuse Programs at DOE sites, in order to be determined as responsible and eligible for contract award. In addition, the clause at § 970.5204–58 establishes remedies available to DOE when a contractor fails to perform in accordance with its approved program or fails to comply with the requirements of 10 CFR part 707. The commenter contends that these requirements by-pass the collective bargaining process in that the contractor is no longer able to bargain with its employees over the scope and provisions of its drug and alcohol policy in any manner outside the requirements of 10 CFR part 707. As a result, meaningful employee involvement in the creation of a substance abuse policy is denied.

DOE response: DOE disagrees that the requirements of § 909.104–1 concerning contractor responsibility and the contractual remedies available to DOE for a contractor's failure to comply with 10 CFR part 707 would erode the collective bargaining process. First, it is important to point out that the requirement for the contracting officer to consider the failure of a prospective contractor to certify that it will provide its workplace substance abuse program to the contracting officer as a matter of contractor responsibility mirrors a similar requirement now found at FAR 23.504. FAR 23.504, in implementing the Drug-Free Workplace Act of 1988 (Pub. L. 100–690), establishes, as a matter of policy, that "no offeror other than an individual shall be considered a responsible source (see 9.104–1(g)) for a contract that equals or exceeds $25,000, unless it has certified pursuant to 52.223–5, Certification Regarding a Drug-Free Workplace, that it will provide a drug-free workplace by—. . . " Likewise, the specific causes for remedial action and the remedies available to DOE, as specified in §§ 923.570–3, 970.2305–5, and 970.5204–58, are consistent with FAR 23.506 under the Governmentwide drug-free workplace programs. Therefore, both the contractor and the employee bargaining unit, in complying with DOE's workplace substance abuse program requirements, are faced with contingencies similar to those they would have to contend with in complying with the Governmentwide drug-free workplace requirements.

Finally, it is outside of the scope of the interim final rule to consider the impact of the requirements of 10 CFR part 707 on the collective bargaining process as the interim final rule merely serves to provide a mechanism to impose the requirements of 10 CFR part 707 on covered contractors. In any case, the impact of the 10 CFR part 707 requirements on the collective bargaining process was fully considered in development and promulgation of that regulation, and addressed in the final rulemaking published in the **Federal Register** on July 22, 1992.

III. Effect of Public Comments on the Final Rule

After careful assessment and full consideration of the comments received concerning the interim final rule, DOE determined that no changes to the

interim final rule were needed, that the interim final rule would become final on September 21, 1992, as contemplated in the interim final rule, and that republication of the interim final rule in final form was unnecessary.

Issued in Washington, DC on October 26, 1992.

Berton J. Roth,

Deputy Director, Office of Procurement, Assistance and Program Management.

[FR Doc. 92-25910 Filed 10-23-92; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 920495-2248]

Northeast Multispecies Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues this rule that amends the regulations implementing the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). This rule modifies the existing regulations that allow net strengtheners to be used on top of the net in the Regulated Mesh Area. This rule changes that provision to allow only one splitting strap and one bull rope (if present) to be used on top of the regulated portion of the trawl net. This modification will restore the original intent of the regulation by allowing escapement of sublegal-sized groundfish thereby reducing discard mortality.

EFFECTIVE DATES: November 25, 1992.

ADDRESSES: Copies of the Regulatory Impact Review (RIR) and Environmental Impact Statement (EIS) for the FMP may be obtained from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01908.

FOR FURTHER INFORMATION CONTACT: Jack Terrill (Resource Policy Analyst, Northeast Region, NMFS), 508-281-9252.

SUPPLEMENTARY INFORMATION: The Northeast Multispecies Fishery is managed under the FMP prepared by the New England Fishery Management Council (Council) and its implementing regulations at 50 CFR part 651 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Council recommended changes to the regulations specifying fishing gear requirements at § 651.20(e)(2). The Council's recommendation was based on the determination that there is no longer any legitimate need for net strengtheners, given the nature of modern gear and net materials. Background information on the proposed management measure and analysis of the impacts of the proposed changes were included in the proposed rule published in the **Federal Register** on June 5, 1992 (57 FR 24013) and are not repeated here. No public comment was received on the proposed rule during the 30-day public comment period.

Classification

The Director, Northeast Region, NMFS (Regional Director) determined that this rule is necessary for the conservation and management of the Northeast multispecies fishery and is consistent with the Magnuson Act and other applicable law.

The Regional Director determined that this rule is consistent with the FMP.

The Assistant Administrator for Fisheries has determined that this rule, that revises the language in the regulation implementing the FMP, does not alter the scope or intent of the FMP or the conclusions arrived at in the RIR, EIS, or regulatory flexibility analysis for the FMP or implementing regulations. Therefore, this rule is consistent with E.O. 12291 and the Regulatory Flexibility Act.

This rule is categorically excluded from the requirement to prepare an environmental assessment by NOAA Administrative Order 216-6. This determination was made on the basis that this rule does not change the impact of the mesh size requirement for otter trawls originally analyzed in the EIS prepared for the FMP.

This rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

The Regional Director has determined that this rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. This rule reflects the intent of the final rule implementing the FMP, which was determined consistent to the maximum extent practicable. Thus, it was not necessary to submit this rulemaking for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 20, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.20, paragraph (e)(2) is revised to read as follows:

§ 651.20 Regulated mesh area and gear limitations.

* * * * *

(e) * * *

(2) A fishing vessel shall not use any device or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of the regulated portion of a trawl net, except that one splitting strap and one bull rope (if present), consisting of line and rope no more than 3 inches (7.62 cm) in diameter, may be used if such splitting strap and/or bull rope does not constrict in any manner the top of the regulated portion of a trawl net. "Top of the regulated portion of the net" means the 50 percent of the entire regulated portion of the net that (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the regulated portion of the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes shall not be considered part of the top of the regulated portion of a trawl net.

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[FR Doc. 92-25886 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 207
Monday, October 26, 1992

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 21, 30, 31, 32, 35, 40 and 61

Meeting to Discuss Upcoming Regulations and Revisions

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) staff plans to convene a public meeting with representatives of Agreement States to discuss the provisions of proposed revisions of its regulations in several different areas. The revisions are needed to clarify and enhance certain requirements designed to protect the safety of the public and radiation workers. The revisions are also needed to clarify some existing definitions and to incorporate additional definitions in order to bring NRC regulations more in line with regulations used by other organizations that regulate similar byproduct and source material.

DATES: The public meeting will be held on Thursday, October 29, 1992, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting is to be held at the Sheraton Baltimore North Hotel, 903 Dulaney Valley Road, Towson, Maryland, Telephone (410) 321-7400.

FOR FURTHER INFORMATION CONTACT: Vandy L. Miller, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 504-2326.

SUPPLEMENTARY INFORMATION: The regulations in 10 CFR part 20 address the basic standards for protection against radiation. The recent comprehensive revision of 10 CFR part 20 incorporates many of the more modern methods of personnel dosimetry and international radiation units. The regulations in 10 CFR part 34 will be revised in their entirety and made a matter of compatibility. A proposed rulemaking regarding 10 CFR parts 20 and 35 will clarify the requirements for the release of patents containing radioactive materials. Revisions to 10 CFR parts 30, 40 and 70, Timeliness of Decommissioning, will require facilities to be decontaminated and decommissioned in a fixed period of time after the cessation of operations. Revisions to 10 CFR part 21 will clarify notification requirements for equipment defects and non-compliance for materials facilities. Revisions to 10 CFR parts 31 and 32 will establish additional controls over the distribution and possession of certain devices designed for use under the general license provisions of 10 CFR 31.5. The revisions to 10 CFR part 61 include financial assurance requirements for the disposal of low-level radioactive waste. This will assure that there is sufficient financial resources to take care of long-term post-closure maintenance and monitoring at low-level radioactive waste disposal facilities. Another revision to 10 CFR part 61 defines the requirements for the above-ground disposal of low-level radioactive waste. The last revision to 10 CFR part 61 to be discussed will be the requirements for uniform shipping manifests for low-level radioactive waste.

A special section of the public meeting will be devoted to medical issues and a proposed revision to 10 CFR part 35. Among the topics to be discussed will be:

1. NRC's role in the Regulation of the Use of Byproduct Material in Medicine;
2. Operational Flexibility;
3. Regulatory Relationships;
4. Professional Relationships;
5. Radiopharmacy Rulemaking;
6. Preparation of Inspection/Enforcement Guidance for Quality Management Programs;
7. Contract to Review Submitted Quality Management Programs;
8. Completion of Broad Scope Guidance Including Standard Review Plans;
9. Public Meeting with the American College of Nuclear Physicians/Society of Nuclear Medicine to Explain the Quality Management Rule and the American College of Nuclear Physician Audit Program;
10. Elimination of Recordkeeping Requirements for the Interim Final Rule on Deviating from the Package Inserts on Radiopharmaceuticals;
11. Review and Modification of the Abnormal Occurrence Reporting Criteria;
12. Rulemaking on the Administration of Byproduct Material to Pregnant and Breastfeeding Women; and
13. Rulemaking for Release Criteria for Radioactive Patients.

Conduct of the Meeting

The workshop will be co-chaired by Mr. Vandy L. Miller, Assistant Director for State Agreements Program, Office of State Programs, and Dr. John E. Glenn, Chief, Medical, Academic, and Commercial Use Safety Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission. The public meeting will be conducted in a manner that will expedite the orderly conduct of business. A transcript of the public meeting will be available for inspection and copying for a fee, at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555 on or about November 12, 1992.

The following procedures apply to public attendance at the workshop:

1. Questions or statements from attendees other than participants, i.e. participating representatives of each Agreement State and participating NRC staff will be entertained as time permits; and
2. Seating for the public will be on a first-come, first-served basis.

Dated at Rockville, Maryland this 16th day of October, 1992.

For the Nuclear Regulatory Commission.

Spiros Droggitis,

Acting Director, Office of State Programs.

[FR Doc. 92-25717 Filed 10-23-92; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-10-AD]

Airworthiness Directives; Boeing Model 707/720, 727, and 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

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

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to Boeing Model 707/720, 727, and 737 series airplanes, that would have required inspections of the E–N area of the window post for cracks; visual inspections to determine sufficient edge margin of the reinforcement straps at all of the strap fastener holes; and repair, if necessary. That proposal was prompted by reports of window post cracks found in the E–N window post area. This action revises the proposed rule by adding requirements for repetitive inspections of certain modified and repaired areas of the F–N window post. The actions specified by this proposed AD are intended to prevent rapid depressurization of the cabin due to cracking in the window post area.

DATES: Comments must be received by December 10, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–10–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Mr. Satish Pahuja, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2781; fax (206) 227–1181.

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–10–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–10–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to Boeing Model 707/720, 727, and 737 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on March 4, 1992, (57 FR 7676). That NPRM proposed to supersede AD 82–08–09, Amendment 39–4364 (47 FR 17276, April 22, 1982), which currently requires inspections to detect cracks of the window post structure between points "E" and "F", and repair, if necessary. AD 82–08–09 was prompted by reports of cracking found in the E–F window post structure, which is located in the window area of the control cabin. The NPRM proposed to add requirements for various inspections to detect cracks in the window post structure between points "E" and "N," which is located above the E–F area. It also proposed to add a requirement for visual inspections to determine if sufficient edge margin of the reinforcement straps exists at all of the strap fastener holes. The proposal was prompted by reports of cracks found in the E–N window post area. Cracking in this area, if not detected and corrected in a timely manner, could result in rapid depressurization of the cabin.

Since the issuance of that NPRM, further analysis conducted by the manufacturer that has demonstrated the need for additional inspections of the subject area:

Previous data had indicated that, if certain modifications had been installed at the E–F and E–N area of the window post structure and if the structure was crack-free prior to the modification, no additional inspections of the modified area were necessary. However, recent durability analysis has demonstrated that these modified areas will not remain crack-free for the design life of the airplanes. The manufacturer has recommended that post-modification inspections of the areas be conducted in order to maintain the structural integrity of the F–N window post. The manufacturer has recommended that (1) X-ray inspections be conducted of the modified E–N window posts; (2) close visual inspections be conducted of the external doubler and the exposed portion of modified E–F window posts; and (3) close visual inspections be conducted of the external strap on modified E–N window posts.

This analysis also demonstrated that X-ray inspections of the window post alone may not be totally effective in finding cracks in the E–N window post where repairs previously were accomplished on cracked structure. The manufacturer has recommended that close visual inspections be conducted of the external straps, as well, in order to maintain the structural integrity of the F–N window post.

Procedures for accomplishing these inspections and any necessary repairs are described in the Boeing service bulletins that were referenced previously in the NPRM.

The FAA has reviewed the manufacturer's analysis and recommendations, and concurs that additional inspections of the modified and repaired areas are warranted in order to ensure the continued airworthiness of these airplanes. Such inspections will ensure that cracking is detected and corrected in a timely manner so as to prevent the consequent unsafe condition identified as rapid decompression of the airplane.

In light of this new data, the FAA has revised the proposal to add requirements for repetitive close visual inspections for cracks of the external doubler and the exposed portion of the E–F window posts; repetitive close visual inspections of the external strap on repaired E–N window posts; and repetitive X-ray inspections of the window posts and close visual inspections of the external straps on modified E–N window posts. Any cracks or short edge margins would be required to be repaired prior to further flight.

These actions would be required to be accomplished in accordance with the referenced Boeing service bulletins.

Additionally, a reference to Revision 4 of Boeing Service Bulletin 727-53-0086 has been added to item 5 of Table 2 of the supplemental NPRM. Reference to this particular revision of the service bulletin was inadvertently omitted in the original NPRM.

Paragraph (e) of the supplemental NPRM has been revised to clarify the procedure for requesting alternative methods of compliance with the proposed AD.

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

There are approximately 1,800 Model 707/720, 727, and 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,183 airplanes of U.S. registry would be affected by this AD, that it would take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. (The number of required work hours does not change as a result of the changes made to the proposal.) Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $520,520, or $440 per airplane per inspection cycle. 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 39-4364 (47 FR 17276, April 22, 1982), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket No. 92-NM-10-AD. Supersedes AD 82-08-09, Amendment 39-4364.

Applicability: Applies to Model 707/720, series airplanes, listed in Boeing Service Bulletin 2983, Revision 5, dated January 31, 1991; Model 727 series airplanes listed in Boeing Service Bulletin 727-53-0086, Revision 11, dated August 8, 1991; and Model 737 series airplanes listed in Boeing Service Bulletin 737-53-1023, Revision 11, dated May 16, 1991; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent depressurization as a result of failure of the control cabin window post structure, accomplish the following:

(a) Inspect the E-F window posts for cracks in accordance with the schedule set forth in Table 1, 2, or 3 of this AD, as applicable:

TABLE 1.—MODEL 707/720 E-F WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 2983]

Airplane condition	Inspection required in accordance with revision 4 or 5 of service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval the not to exceed (flight cycles)
1. Service bulletin not accomplished	X-ray E-F window post	1,650 after May 21, 1982 (effective date of AD 82-08-09), or prior to accumulation of 11,650, whichever occurs later.	3,300
2. Repaired modified per original issue of service bulletin.	X-ray E-F window post	1,650 after May 21, 1982, or prior to accumulating 10,000 after repair or modification, whichever occurs later.	3,300
3. Repaired or modified per revision 1, 2, 3, 4, or 5 of service bulletin. (Modification was accomplished without using eddy current inspection to verify structure was fee of cracks).	Close visual for cracks of external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	1,650 after May 21, 1982; or prior to accumulating 16,650 after repair or modification; whichever occurs later.	3,300
4. Repaired or modified per revision 1 of service bulletin.	Visual inspection for sufficient edge margin of all of the strap fastener holes.	1,650 after effective date of this AD	None
5. Modification per revision 2, 3, 4, or 5 of service bulletin (verified no cracks in structure by use of eddy current inspection described in revision 4 or 5 of service bulletin).	Close visual for cracks of external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	3,300 after effective date of this AD, or 24,000 after strap installation, whichever is later.	3,300

TABLE 2—MODEL 727 E-F WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 727-53-0086]

Airplane condition	Inspection required in accordance with revision 6, 7, 8, 9, 10, or 11 of service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service bulletin not accomplished	X-ray of E-F window post	1,650 after May 21, 1982 (effective date of AD 82-08-09), or prior to accumulating 11,650, whichever occurs later.	3,300
2. Repaired or modified per Original Issue or revision 1 of service bulletin.	X-ray of E-F window post	1,650 after May 21, 1982, or prior to accumulating 10,000 after repair or modification, whichever occurs later.	3,300
3. Repaired or modified per Revision 2, 3, 4, 5, 6, 7, 8, 9, 10, or 11 of service bulletin (modification was accomplished without using eddy current inspection to verify structure was free of cracks).	Close visual for cracks of external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	1,650 after May 21, 1982, or prior to accumulating 16,650 after repair or modification, whichever occurs later.	3,300
4. Repaired or modified per revision 9 or 10 of service bulletin.	Visual inspection for sufficient edge margin of all of the strap fastener holes.	1,650 after effective date of this AD	None
5. Modified per revision 2, 3, 4, 5, 6, 7, 8, or 11 of service bulletin (verified no cracks in structure by use of eddy current inspection described in revision 6, 7, 8, 9, 10, or 11).	Close visual for cracks of external doubler and the exposed portion of the E-F window #2 sliding window open.	3,300 after effective date of this AD, or 24,000 after strap installation, whichever occurs later.	3,300

TABLE 3.—MODEL 737 E-F WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 737-53-1023]

Airplane condition	Inspection required in accordance with revision 6, 7, 8, 9, 10, or 11 of service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service bulletin not accomplished	X-ray of E-F window post	2,750 after May 21, 1982 (effective date of AD 82-08-09), or prior to the accumulation of 12,750, whichever occurs later.	5,500
2. Repaired or modified per Original Issue or revision 1 or 2 of service bulletin.	X-ray of E-F window post	2,750 after May 21, 1982, or prior to accumulating 10,000 after repair or modification, whichever occurs later..	5,500
3. Repaired or modified per revision 3, 4, 5, 6, 7, 8, 9, 10, or 11 of service bulletin. (modification was accomplished without using eddy current inspection to verify structure was free of cracks.).	Close visual for cracks of the external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	2,750 after May 21, 1982, or prior to accumulating 17,750 after repair or modification, whichever occurs later.	5,500
4. Repaired or modified per revision 9 or 10 of service bulletin.	Visual inspection for sufficient edge margin of all the strap fastener holes.	2,750 after effective date of this AD	None
5. Modified per revision 3, 4, 5, 6, 7, 8, 9, 10, or 11 of service bulletin (verified no cracks in structure by use of eddy current inspection described in revision 6, 7, 8, 9, 10, or 11).	Close visual for cracks of the external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	3,300 after effective date of this AD, or 24,000 after strap installation, whichever occurs later.	3,300

(b) Inspect the E-N window post for cracks in accordance with the schedule set forth in Table 4, 5, or 6 of this AD, as applicable:

TABLE 4.—MODEL 707/720 E-N WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 2983]

Airplane condition	Inspection required in accordance with revision 5 of service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service bulletin not accomplished; or repaired or modified per original issue or revision 1, 2, 3, or 4 of service bulletin.	X-ray of E-N window post	1,650 after effective date of this AD, or prior to the accumulation of 11,650, whichever occurs later.	3,300
2. Repaired per revision 5 of service bulletin (cracks in structure).	X-ray of E-N window post; and close visual of external strap.	1,650 after effective date of this AD, or prior to accumulating 16,650 after repair, whichever occurs later.	3,300
3. Modified per revision 5 of service bulletin (no cracks in structure).	X-ray of E-N window post; and close visual of external strap.	3,300 after effective date of this AD, or 24,000 after strap installation, whichever occurs later.	6,600

TABLE 5.—MODEL 727 E-N WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 727-53-0086]

Airplane condition	Inspection required in accordance with revision 9, 10, or 11 of service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service bulletin not accomplished; or repaired or modified per Original Issue, or Revision 1, 2, 3, 4, 5, 6, 7, or 8 of service bulletin.	X-ray of E-N window post	1,650 after effective date of this AD, or prior to the accumulation of 11,650, whichever occurs later.	3,300
2. Repaired per revision 9, 10, or 11 of service bulletin (cracks in structure).	X-ray of E-N window post; and close visual of external strap.	1,650 after effective date of this AD, or prior to accumulating 16,650 after repair, whichever occurs later.	3,300
3. Modified per revision 9, 10, or 11 of service bulletin (no cracks in structure).	X-ray of E-N window post; and close visual of external strap.	3,300 after effective date of this AD, or 24,000 after strap installation, whichever occurs later.	6,600

TABLE 6.—MODEL 737 E-N WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 737-53-1023]

Airplane condition	Inspection required in accordance with revision 9, 10, or 11 of service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inpection interval not to exceed (flight cycles)
1. Service bulletin not accomplished; or repaired or modified per Original Issue, revision 1, 2, 3, 4, 5, 6, 7, or 8 of service bulletin.	X-ray of E-N window post	2,750 after effective date of this AD, or prior to the accumulation of 12,750, whichever occurs later.	5,500
2. Repaired per revision 9 or 10 of service bulletin (no cracks in structure).	X-ray of E-N window post; and close visual of external strap.	2,750 after effective date of this AD, or prior to accumulating 17,750 after repair, whichever occurs later.	5,500
3. Modified per revision 9 or 10 of service bulletin (no cracks in structure).	X-ray of E-N window post; and close visual of external strap.	5,500 after effective date of this AD, or 24,000 after strap installation, whichever occurs later.	11,000

(c) Reinspect the affected areas for cracks at intervals not to exceed those specified in the "Repeat Inspection Interval" column of the Tables of paragraphs (a) and (b) of this AD.

(d) Cracks and short edge margins must be repaired, prior to further flight, in accordance with the "Accomplishment Instructions" of the applicable service bulletin specified in paragraph (d)(1), (d)(2), or (d)(3) of this AD. After such repair, inspections must continue in accordance with the Tables of paragraphs (a) and (b) of this AD.

(1) For Boeing Model 707/720 series airplanes: Boeing Service Bulletin 2983, Revision 5, dated January 31, 1991.

(2) For Boeing Model 727 series airplanes: Boeing Service Bulletin No. 727-53-0086, Revision 11, dated August 8, 1991.

(3) For Boeing Model 737 series airplanes: Boeing Service Bulletin No. 737-53-1023, Revision 11, dated May 16, 1991.

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

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

(f) 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 February 24, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-25832 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-124-AD]

Airworthiness Directives; McDonnell Douglas Model DC-8 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 all McDonnell Douglas Model DC-8 series airplanes. This proposal would require that all landing gear brakes be inspected for wear and replaced if the wear limits prescribed in this proposal are not met, and that new wear limits be incorporated into the FAA-approved maintenance inspection program. This proposal is prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway due to worn brakes. The actions specified by the proposed AD are intended to prevent loss of braking effectiveness during a high energy RTO.

DATES: Comments must be received by December 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-124-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 Gfrerer, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-130L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5338; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-124-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-124-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

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

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

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

The FAA has requested that U.S. airframe manufacturers: (1) Determine necessary adjustments in allowable wear limits for all brakes in use, (2) schedule dynamometer testing to validate wear limits as necessary, and (3) submit information from items (1) and (2) to the FAA so that appropriate rulemaking action(s) can be initiated.

McDonnell Douglas Corporation has submitted, and the FAA has evaluated, a series of dynamometer test data and analyses concerning brakes installed on Model DC-8 series airplanes. The FAA also witnessed some of the dynamometer tests, which were conducted in July 1991. Based on this data, the FAA has determined that the maximum brake wear limits currently recommended in the Component Maintenance Manual for Model DC-8 series airplanes are not acceptable as they relate to the effectiveness of the brakes during a high energy RTO. The FAA has determined that the following criteria for Model DC-8 brakes, specifically the new maximum brake wear limits indicated in the last column, are necessary in order to ensure braking effectiveness during a high energy RTO:

Douglas brake part No.	Bendix part No.	Maximum wear limit (inches)
5610206-5001	150787-1	0.7
	150787-2	0.7
5713612-5001	151882-1	0.7
	151882-2	0.7
5773335-5001	154252-1	0.5
5773335-5501	154252-2	0.5
5759262-5001	2601412-1	0.5

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 require (1) inspection of certain Model DC-8 landing gear brakes for wear, and replacement if the new wear limits are not met; and (2) incorporation of specified maximum wear limits for certain Model DC-8 brakes into the FAA-approved maintenance inspection program.

There are approximately 337 McDonnell Douglas Model DC-8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 222 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 80 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. (There are 8 brakes per airplane.) The cost of required parts to accomplish the change in wear limits for these airplanes (that is, the cost resulting from the requirement to change the brakes before they are worn to their previously approved limits for a one-time change) would be approximately $5,600 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,220,000, or $10,000 per airplane.

This total cost figure assumes that no operator has yet accomplished the requirements of this proposed 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 adding the following new airworthiness directive:

McDonnell Douglas: Docket 92-NM-124-AD.

Applicability: All Model DC-8 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

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

(a) Within 180 days after the effective date of this AD, inspect the main landing gear brakes having the part numbers indicated below to determine wear. Any brake worn more than the maximum wear limit specified below must be replaced, prior to further flight, with a brake that is within this limit.

Douglas brake part No.	Bendix part No.	Maximum wear limit (inches)
5610206-5001	150787-1	
	150787-2	0.7
		0.7
5713612-5001	151882-1	
	151882-2	0.7
		0.7
5773335-5001	154252-1	0.5
5773335-6501	154252-2	0.5
5759262-5001	2601412-1	0.5

(b) Within 180 days after the effective date of this AD, incorporate the maximum brake wear limits specified in paragraph (a) of this AD into the FAA-approved maintenance inspection program.

(c) 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.

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

Issued in Renton, Washington, on August 4, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-25831 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Recordkeeping

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission) is proposing to amend 17 CFR 1.31 to allow production of computer generated reports on optical disk to be immediately substituted for hard copy reports. Currently, Commission regulations allow only microfilm reproduction of computer reports to be immediately substituted for hard copy reports. The Commission is also considering and seeking initial comment on whether it should permit substitution of records stored on optical disk for source documents created by means other than computer, and, if so, under what specific conditions, restrictions and safeguards.

The Commission is also seeking suggestions as to additional initiatives, including regulation changes, that would allow firms to capture savings resulting from the use of new electronic technologies. Commission regulations specify certain reporting requirements which may be costly in terms of the amount of paper which is produced, transferred and processed. The Commission is seeking comment that would identify specific paper filings which may entail unnecessary costs, and suggestions on how such costs can be reduced or eliminated through the use of electronic transmission or other technological enhancements.

DATES: Comments on this proposed rulemaking should be submitted on or before November 25, 1992.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Supervisory Statistician, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254-3310.

SUPPLEMENTARY INFORMATION: The Commission is reviewing its regulations and internal procedures to eliminate any unnecessary burdens or restrictions on futures market participants and to make its own operations more cost-effective and efficient. As part of this review, Commission staff have been investigating the use of information technology in the area of record storage, both for the Commission and for persons affected by the Commission's recordkeeping requirements as well as the possibility of permitting electronic filing of required documents. As a result, the Commission is proposing changes to its recordkeeping requirements in rule 1.31 and is seeking initial comment on further initiatives the Commission might pursue to reduce burdens by permitting the expanded use of information technology.

I. Recordkeeping Requirements

Commission rule 1.31 sets standards for the retention and inspection of books and records required under the Commodity Exchange Act (the "Act") and the regulations thereunder. This rule provides generally that books and records must be kept for five years and be readily accessible during the first two years of this time period. Section (b) of rule 1.31 allows reproduction of books and records on microfilm as a substitute for hard copy.[1] This substitution may be made immediately for computer, accounting machine or business machine generated records. For records produced by other means, however, the rule requires that the source documents be retained in hard copy form for two years and permits persons to make microfilm substitutions only during the final three years of the five year period.[2]

[1] Rule 1.31 was amended in 1971 to allow reproduction on microfilm, 36 FR 22286 (November 24, 1971). Since adoption of this amendment in 1971, microfiche has in some instances replaced microfilm. Microfiche is the same recording medium as microfilm but is merely formatted differently. Occasionally, persons subject to rule 1.31 have asked whether the term microfilm encompasses microfiche. The Commission is proposing to amend rule 1.31 to include the term microfiche as well as microfilm.

[2] The Commission requires that books and records other than those generated by machine be kept in original form for two years since microfilm reproductions do not capture certain information. For example, if erasures occur on trading cards or notations are made on trading cards at different times using different colored inks, microfilm reproductions do not capture this information. The differences, however, may be critical for Commission cinvestigations.

Section (c) of rule 1.31 prescribes the following conditions for the substitution of microfilm for hard copy which are intended to facilitate Commission inspection of the records:

(1) That facilities be available at all times for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements;

(2) That the films be arranged, indexed and filed in such a manner as to permit the immediate location of any particular record; and

(3) That facsimile enlargements of reports requested by any representative of the Commission or U.S. Department of Justice be immediately provided at the expense of the person required to keep the records.

In connection with the Commission's ongoing general review of its rules, a commenter suggested that the Commission permit optical disk technology for record retention purposes.[3] The commenter noted that "optical disk technology is rapidly replacing microfiche as a storage medium in other industries. It is much cheaper to generate, less expensive to store and can retrieve documents in a fraction of the time. It can also generate a paper copy of a stored report on demand." The Securities and Exchange Commission (SEC) also received a request from the Securities Industry Association (SIA) that broker/dealers, a number of whom are also registered as futures commission merchants, be allowed to store records using optical disk technology.[4] By letter dated May 19, 1992, the SIA requested that the Division of Market Regulation not recommend SEC enforcement action if broker/dealers maintain records only on optical disk storage. The SIA noted that estimates of cost savings for space, equipment and material resulting from a change to optical disk from microfilm range from $250,000 a year for a medium size firm to more than $1.6 million dollars a year for a large firm. The SIA also noted the increased speed of access to records inherent in this technology, a resulting potential for increased productivity and enhanced customer service capabilities at the firms.[5] Separately, Commission staff have recommended that the Commission allow for optical disk storage of certain types of records. The Commission's staff review confirms that optical disk technology provides a cost-effective alternative to microfilm. With appropriate hardware and software that technology can provide a suitable medium for record retention consistent with the Commission's responsibilities for inspection and oversight.

Systems used for archival purposes must meet a number of regulatory concerns. The system must first provide reasonable assurance that once a record is created, the record cannot be altered without detection. Second, the system must provide speedy and high quality access to records stored on the medium. Third, in the event that the person storing the records cannot or will not produce a hard copy of stored reports, the Commission must have an expedient means to do so itself. The Commission, therefore, is proposing that rule 1.31 be amended to allow the immediate substitution of records preserved on optical disk for hard copy of computer generated records, as an alternative to the currently permitted medium of microfilm, under the conditions set forth below.[6]

A. Proposed Conditions for Digital Record Storage of Computer Generated Records Using Optical Technology

1. Optical Systems

To assure that records once created cannot be altered, the Commission is proposing that any optical system must allow exclusively for the preservation of all records required under rule 1.31 using a non-rewritable, non-erasable technology with write verify capabilities (i.e., a function that provides for continuous, automatic verification of the quality and accuracy of the information stored and which automatically corrects the quality and accuracy defects). The system must employ removable optical disks, serialize the disks and time date all files of information placed on the disk. Data written on the disk must be in ASCII or EBCDIC format.[7] The time date must be permanent and non-erasable. In addition, the system must, on each optical disk, etch a directory structure and index relating to the data stored on the disk.[8] The Commission believes that optical storage systems which meet these proposed criteria will satisfy its regulatory concerns. Moreover, commercial technology is available which meets these conditions.

"Write-once-read-many-times" (WORM) drive technology and "compact disk-read-only memory" (CD-ROM) technology, if appropriately configured, would satisfy the Commission proposed criteria. WORM technology records digital information by employing a laser heat source to burn a pattern on film on a disk surface. Once a laser permanently marks the optical

[3] As used herein, optical disk technology refers to computer disks that are produced or read using laser beams. At the request of the Futures Industry Association (FIA), FIA members provided ideas on how the Commission could help the futures and options industry become more competitive. The use of optical storage systems was one such idea. Several futures commission merchants (FCMs) and firms that provide accounting and other software for FCMs' back office operation have also contacted Commission staff urging that this technology be allowed under Commission regulation for recordkeeping purposes.

[4] Rules 17a-1, 17a-3 and 17a-4 under the Securities and Exchange Act of 1934 set forth the SEC's recordkeeping requirements, 17 CFR 240.17a-1, 240.17a-3 and 240.17a-4 (1992). Current SEC rules concerning recordkeeping differ from Commission rules in a number of ways. For example, though both sets of rules provide for reproduction by microfilm, SEC rules allow substitution of microfilm for hard copy immediately for broker/dealer and certain other records, but generally not for records of national securities exchanges, and certain other entities. In addition SEC rules, but not Commission rules, provide that two copies of the microfilm must be produced and stored separately.

[5] As noted below, Commission staff met with staff of the Division of Market Regulation of the SEC to discuss under what conditions optical disk storage systems could be used for recordkeeping purposes. This proposal takes into account those discussions.

[6] The Commission is also proposing conforming amendments to rule 1.35(b), 17 CFR § 1.35(b) (1992). In the event that firms have offices in different cities, this rule allows them to provide Commission representative with microfilm reproductions in the same city that records are maintained. The proposed changes would incorporate reference to optical disks and microfiche as well as microfilm.

[7] ASCII and EBCDIC are standard binary codes developed by the American National Standards Institute used for representing data. These standards (the American Standard Code for Information Interchange and the Extended Binary Coded Decimal Interchange Code) use seven and eight bits, respectively, at each storage location. The Commission is proposing these standards to ensure that its computer equipment can read optical disks used by all persons storing records subject to rule 1.31.

[8] Directory structures are used to describe and locate files. One or more files may belong to a subdirectory and one or more subdirectories to a directory. The directories or subdirectories give information concerning the location of the files, when they were created and file size. The index contains information which distinguishes records in the same file and gives information concerning the record's location. Generally, all records in the same file are of the same information type but refer to different occurrences of the information. For example, month-end statements may be contained in the same file for each customer of a firm. The index would show that a file contained information for a particular customer or specified date. The index and directory structure need not be etched on the disk until the disk is full or otherwise complete. this information together with documentation on the logical file format and field format should allow the Commission to readily access records.

disk to store information, that information cannot be modified or removed from the optical disk without detection. In addition, the disk is removable from the hardware performing the storage function.

CD-ROM technology, although used primarily to distribute rather than store information, is another acceptable media type.[9] CD-ROM disk drives or disk players read the digital information on CD-ROM with a laser beam. Digital information is permanently stamped on a CD-ROM disk during a manufacturing process known as mastering and duplication. Once recorded, the information stamped on a CD-ROM is not alterable without detection.

Other optical technology may be acceptable. However, optical disk technology that is rewritable or whose rewrite capability is determined by the media used in the drive (i.e. multifunction drives) would not be acceptable for record retention purposes under proposed rule 1.31. As discussed more fully below, persons intending to employ optical systems that do not use WORM drive or CD-ROM technology must supply the Commission with instructional and descriptive documentation regarding system hardware and software before using the system.

2. Notification

The Commission is proposing notification and filing procedures to allow it ready access to information on optical disks in the event that it cannot obtain hard copy reports from persons employing optical storage technology. All persons using optical systems to store records pursuant to rule 1.31 must file with the Commission and keep current a copy of the logical file formats and field formats for each file of information written on the optical disks as well as any other information needed to allow the Commission to read optical disks and locate specific records.[10] Persons wishing to store required records using a technology that writes records in an ASCII or EBCDIC format other than standard non-compressed ASCII or EBCDIC must, in addition, file documentation on the method used to encode the data, providing a through description of any compression algorithm, the physical file format and conversion routines to transform the records to a standard non-compressed format.

Persons intending to use optical systems that employ something other than WORM drive or CD-ROM technology that meet the criteria set forth in (1) above, must, in addition to the above, give written notice at least 60 days prior to using such technology. The notice must include appropriate instructional and descriptive documentation regarding the optical storage technology system (hardware and software) to be used and an explanation of how the system meets the regulatory concerns of the Commission.[11] The system will not be considered sufficient for archival purposes under rule 1.31 if the Commission, within 60 days, gives notice that the proposed system does not meet the regulatory concerns previously set forth and the conditions specified in (1) above.

The Commission is mindful of reporting burdens that may be imposed by adoption of these requirements and is interested in minimizing this burden to the extent compatible with its responsibilities. In this regard, the Commission welcomes suggestions from commenters on procedures other than notification and filing which would assure that the Commission maintains ready access to information stored on optical disk. The Commission has considered, for example, a requirement that copies of documentation concerning file formats and structures be maintained by persons using optical storage technology. The Commission believes, however, that if it is required to seize official records in order to obtain paper copies, the documentation concerning characteristics of the storage method will not be available. In light of these concerns, commenters may wish to address the use of agreements between persons using optical storage technology and conversion service vendors who have the capability and the compatible technology necessary to produce on hard copy the records preserved on optical disk. Among other things, the Commission will consider whether relying on service vendors is appropriate. Also, in addition to requirements that the agreements must specifically provide for the Commission and the Department of Justice to obtain unconditionally, promptly, and free of expense, paper copy of stored records, what other provisions, if any, should be considered as minimally acceptable. The Commission is interested in receiving comments regarding the relative costs and enforceability of such an approach as compared to the proposed filing requirements.

In this respect, many FCMs use service firms that provide hardware and software for their back office operations while others employ bureaus to handle all bookkeeping functions. The Commission is interested in knowing if the service firms and bureaus could act as conversion service vendors providing the Commission with ready access to their clients' records. Such agreements would, by necessity, require a person, who otherwise is not subject to Commission regulation, to voluntarily submit itself to Commission oversight regarding this function. The Commission therefore, requests comments on the willingness of such persons to voluntarily submit to Commission oversight and on the legal mechanism most appropriate for ensuring the Commission's ability to oversee the service firm or bureau and to ensure the Commission a legally enforceable right to obtain the information from such persons on the same basis as from a Commission registrant.

3. Records Index

Any persons employing optical storage technology would be required to index the records contained on every optical disk used to preserve records pursuant to rule 1.31. Persons must arrange the records preserved and their corresponding index, directory structure, and files in such manner as to permit the immediate location of any particular record. This proposal is similar to current rule 1.31(c)(2) governing the use of microfilm reproduction for archival purposes and is intended to allow ready access to particular records.[12] The Commission understands that optical storage systems rely on generation and storage of an index to accomplish speedy access and retrieval through computer based management systems.

[9] Generally CD-ROM technology is used in areas that require mass distribution of information. It is used, for example, to distribute Federal procurement regulations, Federal personnel management manuals and a variety of library services.

[10] This would include the hardware make and model and operating system software version and release level of the computer system hosting the storage device and identity of the device driver used to write the optical media including the release level.

[11] As noted previously the regulatory concerns that any record retention system must meet are as follows:

(1) the system must provide reasonable assurance that once a record is produced for archival, it cannot be altered without detection;

(2) the system must provide high speed and high quality access to records; and

(3) the Commission and the Department of Justice must be able to access the records for inspection and other purposes.

[12] As noted previously, rule 1.31(c)(2) requires that persons substituting microfilm for hardcopy arrange, index and file the film in such manner as to permit the immediate location of any particular record. 17 CFR 1.31(c)(2) (1992).

4. Facilities and Inspection Privileges

Similar to current requirements concerning microfilm, the Commission is proposing that persons using optical storage technology must have facilities available for examination of records that provide immediate easily readable copies of records preserved on optical disk. Such persons must be ready to provide, and immediately provide, at their expense, hard copy of such records which any representative of the Commission or U.S. Department of Justice may request.[13]

5. Preservation of Only Commission Required Records

Finally, any persons using optical disk storage would be required to keep only Commission required records on any one optical disk. The storage of any other records on a disk that also contained Commission required records would be deemed a waiver of any privilege, claim of confidentiality, or other objection to disclosure with respect to those other records, in the event the Commission or Department of Justice undertook to inspect or seize the disk, or use it in a legal proceeding. This provision is being proposed in response to concerns expressed by the Department of Justice regarding the Commission's ability to obtain records in the event they were stored on a disk with other, potentially privileged records.

B. Digital Storage of Paper Records Using Optical Technology

Computer records are digitally generated and typically stored on magnetic storage media until they are reproduced on paper or microfilm for readability or retention purposes. Since optical disk is a digital storage medium, computer generated records can be written directly to optical media. It is the Commission's understanding that the greatest use for optical storage will be for retention of computer generated records.

There is, however, a technique available to create digital replicas of paper records, known generally as "electronic imaging." The conversion from paper to digital format is accomplished using an electronic scanner or camera. The process is the same technique used in facsimile machines to capture and transmit replicas of documents. The detail captured by the reproduction is determined to a large extent by the density of bits ("dots per inch") created by the scanning device. As the dots per inch increase, the time required to scan a document and the amount of computer memory or media needed to store a reproduction also increase. After the digital image is created, the digital bits of information may be written directly to an optical storage device or an intermediate computer file or magnetic media for later processing on the storage device.

The Commission is considering further amendments to its regulations to allow optical storage of paper records and is seeking comment on specific conditions, restrictions and safeguards under which use of this technology could be permitted. Because electronic imaging is a relatively new technology for which there are currently no commercial or widely accepted standards, adoption of rules permitting its use may involve significant costs to the Commission and other regulatory entities.[14] In view of this, the Commission is also interested in knowing the extent, if any, that persons may wish to use this technology as it currently exists for record storage.[15]

The Commission believes that the criteria it has specified for optical storage of computer generated records, with the exception of differences discussed below, should also apply to optical storage of digital records produced through electronic imaging. The Commission is also considering additional technical criteria for scanning equipment as well as limiting the time period during which reproductions of paper records stored on optical disks can be substituted for source documents.

1. *Additional Technical Considerations*

As noted previously, the Commission is proposing that digital records be stored in ASCII or EBCDIC format on optical disk. Persons using optical storage technology for computer generated records should not have problems complying with this requirement. Formats other than ASCII, or EBCIDIC however, are used to represent information digitized through an imaging process. Since electronic imaging is a relatively new technology, a number of different formats exist. TIFF (Tagged Image File Format) is one such format. This format is used by the Commission and appears to have widespread commercial acceptance. The Commission is considering allowing as a substitute for source documents that are digitized through electronic imaging only records on optical disk that are written in TIFF.[16] Adoption of this or a similar criteria specifying only one allowable format would limit potential Commission and industry expenditures for computer equipment or services that may be required to read optical disks. The Commission is seeking comment on whether TIFF or another format has been accepted as a standard and whether adoption of a rule specifying a single standard would have anti-competitive effects.

With regard to scanning technology the Commission is considering whether it should adopt a minimum standard for bit density. As noted above, the higher the bit density or dots per inch produced by the scanner, the more detail is preserved on the stored record. The Commission's experience with electronic imaging indicates that a minimum standard of 240 dots per inch is sufficient to obtain the detail it requires when viewing reproductions of records. This standard is well within the range of existing commercial technology. The Commission is requesting comment whether this minimum requirement might impair large scale application of imaging technology since the density requirement also affects document screening rates and storage requirements.

Last, the Commission is considering whether to allow substitution of records on optical disk for paper records only if the records, when digitized, are written directly to the optical storage device. As noted above, digital information created by electronic imaging may either be written to an intermediate computer file or media or written directly to the optical storage device. The Commission is concerned that if an intermediate computer file or media is used, there is an additional risk that the record may be altered. Since imposing this requirement may slow processing of records for storage, the Commission is seeking comment on the effect such a requirement may have on potential users of optical storage systems.

[13] Books and records must also be available for pool participants and clients of Commodity Trading Advisors (CTAs) generally at the main business office for the Commodity Pool Operator (CPO) or CTA.

[14] As discussed more fully below, commodity exchanges and the National Futures Association as self-regulatory organizations have established recordkeeping and inspection requirements which may rely on Commission rules. In addition, the Department of Justice is granted access to records under Commission rule 1.31.

[15] It is the Commission's understanding that, currently, microfilm is not often substituted for paper records, although this is allowed under its rules.

[16] Non-compressed TIFF or compressed TIFF using the published CCITT3 or CCITT4 standards would be allowed.

2. *Retention of Source Documents*

Although Commission rule 1.31 allows reproduction of records on microfilm to be substituted for paper documents, the paper documents must be retained for the first two years of the required five year period. As noted above, microfilm reproductions generally do not capture erasures or differences that may indicate that notations were made by different writing instruments or other evidence that may be critical in Commission investigations. The Commission's own experience using electronic imaging indicates that there are similar limitations on the usefulness of reproductions of paper records stored through the newer technology. Indeed, the problems may be more acute simply because optical disk storage promises lower costs, and thus a wider use, than microfilm storage.

For these reasons, the Commission is considering requirements that would continue to allow access to source documents for some period of time after their creation. For most documents, the current two year requirement specified in rule 1.31 appears to be satisfactory. However, there is a need to retain the originals of certain types of documents for a longer period of time, specifically, trading cards and written records of customer orders ("order tickets") specified in rules 1.35(a), 1.35(a-1)(1), 1.35(a-1)(2) and 1.35(d). Generally, these documents are essential to investigations which involve the reconstruction of intraday trading over some period of time. Such investigations are labor intensive and generally lengthy, at times continuing for several years. The documents themselves are usually multi-ply, color coded and are created daily in large numbers.

In view of these factors, the Commission seeks comment on a requirement that would allow substitution of records on optical media for documents produced by means other than computer during the final three years of the five-year retention period. However, trading cards and order tickets would have to be preserved in original form for the full five-year period.[17] The Commission will consider applying this requirement both to substitution of records preserved on microfilm and optical disk.[18] The Commission also seeks comments on whether any other types of documents should be preserved in their original form for more than a two-year period because forensic characteristics of the documents could be essential to enforcement or compliance investigations.

The Commission encourages persons to comment on whether there are other areas where electronic imaging may be cost effective and where there are no apparent problems associated with immediate reproduction of source documents on optical disk. In addition, because the SEC currently allows the immediate reproduction of certain, but not all, records on microfilm, the Commission is interested in knowing to what extent, if any, its requirements have resulted in disparate treatment or increased costs to persons subject to regulation by both the Commission and the SEC. The Commission also seeks comment on whether records produced by Commission registrants and required by the Act or Commission regulations are different in nature or purpose from documents subject to SEC record requirements.

C. Other Concerns

Persons subject to the Commission's record retention requirements may also be subject to similar rules of other regulatory organizations including the SEC, and the exchanges and the National Futures Association (NFA) as self-regulatory organizations (SROs).[19] The rules of each organization also include record keeping and inspection provisions. To the extent that these rules are compatible, persons subject to the rules may benefit if operationally equivalent systems can be employed to achieve compliance with the rules and regulations of all regulators. In this regard, Commission staff have met with staff of the Division of Market Regulation of the SEC to discuss under what conditions optical disk storage systems could be used for recordkeeping purposes. These discussions are reflected in the Commission's current proposal. The Commission is seeking further comment from the SEC on this proposal.

Similarly, the Commission is seeking comment from all SROs and the Department of Justice to determine if conditions set forth in the proposed rules adequately safeguard their record inspection ability.[20] In particular, the Commission is concerned that the SROs have adequate access to records in the event that hardcopy reports are not available from persons using optical systems.

The Commission is also seeking comment on whether or not it should require that two copies of microfilm or optical disks be made and stored in different locations. As noted above, current SEC rules require that if securities broker/dealers reproduce records on microfilm, they store separately from the original one other copy of the microfilm. The Commission believes this is prudent management with respect to records archival and understands that it is a standard business practice.

II. Other Information Technology Initiatives

The use of improved electronic information technology, particularly electronic data transfers, can reduce burdens and compliance costs associated with regulatory requirements and, in addition, can reduce costs to regulators in terms of obtaining, processing and storing required information. These savings would largely result from the elimination of costs and delays associated with transferring the information to and from paper and paper transfer itself. That is, if information the Commission requires is in electronic form, either on computer or word processor, it may be more efficient and cost effective to receive this information via electronic means rather than paper.[21]

[17] The Commission also requests comment on the potential use of optical disk technology for storing computer generated records of customer orders that may be created by FCMs and introducing brokers. Specifically, the Commission is interested in knowing the extent, if any, that handwritten notations are made on such orders.

[18] Exchanges currently do not microfilm trading cards and order tickets. Instead, exchanges retain the original paper records for the full five-year period required by Rule 1.31. The Commission, the Department of Justice, and exchange compliance staffs thus have been able to examine original paper records as needed for the full five-year period. The Commission is concerned about the diminution of effective law enforcement and compliance efforts if exchanges seek to change their record maintenance practices as optical scanning technology that is cheaper to use than microfilm becomes available. Such a step could eliminate or reduce access to essential evidence in enforcement and compliance investigations.

[19] In addition, Commission rule 1.31 requires that books and records be available for inspection by representatives of the Department of Justice. The Commission has previously corresponded with the Department of Justice concerning WORM technology and as noted above is seeking additional comment from it on this proposal.

[20] SROs may wish to comment on the Commission's proposal from two perspectives. First, many SROs rely on rule 1.31 to define recordkeeping and inspection requirements for their members. In this respect, the SROs will want to ensure that the proposed rule satisfies their audit and investigation requirements. Second, a number of SRO records are subject to rule 1.31. If SROs develop optical storage systems for their records, they will be subject to the conditions set forth in the proposal.

[21] This could include not only transmittal of information via modem to the Commission's computer system, but also sending diskettes by mail or using electronic bulletin boards.

The Commission has established certain reporting and filing requirements to aid in implementing the provisions of the Act. These include: Requirements under part 4 of the regulations that CTAs and CPOs file copies of disclosure documents; requirements under part 1 of the regulations that FCMs and introducing brokers file financial reports; requirements under part 16 that contract markets file information concerning clearing member positions and transactions and large option trader reports; and requirements under part 17 that FCMs, clearing members and foreign brokers file futures large trader reports.[22] The Commission's policy with regard to these requirements is to encourage electronic data transfer unless it involves unacceptable costs or administrative burdens for persons filing information or for the Commission to accept and process it or cannot be accomplished in a manner that provides reasonable assurances of reliability and admissability in legal proceedings.

Currently, unless otherwise approved by the Commission, the large trader information required under part 17 of the regulations and reports from contract markets under Part 16 of the regulations must be filed electronically.[23] The Commission generally allows information to be filed on manual reports from small firms where costs to achieve compliance are clearly not justified by the amount of data they submit. Both the Commission and those filing the reports benefit from the use of electronic data transfers. The Commission is now considering whether it should permit electronic information transfer for other reports such as disclosure documents from CPOs and CTAs and financial information from FCMs and introducing brokers and is seeking comment whether this alternative means of reporting could be cost effective for persons supplying information.

Currently the Commission receives annually about 800 copies of disclosure statements and updates from CPOs and about 3,200 such documents from CTAs. This represents about 880,000 pages of paper that the Commission must process and store. If word processing machines are currently used to prepare these documents, the information is in machine readable form and it may be reproducible on diskette or possibly transferred via modem.[24] The Commission is requesting comment, therefore, on the feasibility of and potential costs or benefits to persons if the Commission permits disclosure statements to be electronically transmitted or supplied on standard diskettes.[25] Commenters are invited to present other suggestions which may achieve the Commission's goals in this area.

With respect to financial reporting, certain SROs are exploring means to obtain electronically filed financial information from firms on a routine basis. Commission staff are currently exploring with those SROs implementation of procedures and rule changes which would permit the Commission to accept financial reports required by Commission rule 1.10 electronically. Separately, the Commission is requesting comments from all persons subject to rule 1.10 as to whether the required financial information is available on machine readable media and whether it is cost effective to provide information to the Commission in this manner.

III. Related Matters

A. The Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires that agencies, in proposing rules, consider the impact of those rules on small businesses. These amendments would principally affect contract markets, FCMs, CPOs and CTA's. The Commission has previously defined "small entities" in evaluating the impact of its rule in accordance with the RFA, 47 FR 18618–18621 (April 30, 1982). In that statement, the Commission concluded that contract markets, FMCs and CPOs are not considered to be small entities for purposes of the RFA. Other Commission registrants such as CTAs and introducing brokers may also be affected. In this respect, optical storage systems are not currently allowed to be used for record archival under the Commission's regulations. The proposed rules would allow but not require the use of such systems. Associated with this use are minimal filing and notification procedures. The Commission also notes that the economic benefits from using optical storage systems as opposed to other methods of record retention typically derive from the storage and retrieval of large numbers of reports. Given the purpose of optical storage systems and the costs associated with implementing them, the Commission would not expect that small entities would be affected by its proposal. Pursuant to section 3(a) of the RFA (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission therefore certifies that the proposed rules would not have a significant economic impact on a substantial number of small entities. The Commission, however, invites comments from any one who believes that these rules would have a significant economic impact upon its operations.

B. Paperwork Reduction Act

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

The burden associated with this specific rule is as follows:

Average Burden Hours Per Response: 1.

Number of Respondents: 150.

Frequency of Response: On occasion.

Persons wishing to comment on the information which would be required by these rules should contact Gary Waxman, Office of Management and Budget, room 3228, NEOB, Washington, DC 20503, (202) 395–7304. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street, NW., Washington, DC 20581, (202) 254–9735.

List of Subjects in 17 CFR Part 1

Contract markets, Futures Commission Merchants, Recordkeeping Requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Act and, in particular, sections 4, 4g, 4i, 5 and 5a of the Act, 7 U.S.C. 6, 6g, 6i, 7 and 7a (1988), the Commission hereby proposes to amend part 1 of chapter I of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

[22] See, for example, 17 CFR 4.21, 4.31, 1.10, 16.00, 16.01, 16.02 and 17.00 (1992).

[23] The information is either supplied on tape or transmitted to the Commission's computer center in Chicago.

[24] Although the Commission may receive the data electronically, it would necessarily have to print such documents for review and processing.

[25] The Commission recognizes that CPOs and CTAs must, in any event, print hardcopy of the disclosure documents for their customers. In view of this, benefits to CTAs and CPOs of filing documents with the Commission in electronic form may be limited.

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6f, 6g, 6h, 6i, 6k, 6l, 6m, 6n, 6o, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 16a, 19, 21, and 24, unless otherwise noted.

2. Section 1.31 is proposed to be amended by revising paragraphs (b) and (c) and adding paragraph (d) to read as follows:

§ 1.31 Books and records: keeping and inspection.

* * * * *

(b) Reproductions on microfilm, microfiche and optical disk may be substituted for hard copy as follows:

(1) Computer, accounting machine or business machine generated records may be immediately produced or reproduced on microfilm or microfiche and kept in that form. Computer generated records may be immediately produced on optical disk in conformity with the requirements of paragraph (d) of this section and kept in that form.

(2) For all other books and records, microfilm or microfiche reproductions thereof may be substituted for the hard copies for the final three years of the 5 year period.

(c) If microfilm, microfiche or optical disk substitution for hard copy is made, the persons required to keep such records shall:

(1) At all times have available:

(i) Facilities for easily readable projection of the microfilm or microfiche, or image stored on optical disk, for immediate examination of their records;

(ii) If the records are preserved on microfilm or microfiche, facilities for immediately producing complete, accurate and easily readable facsimile enlargements of the records.

(iii) If the records are preserved on optical disk, facilities for immediately producing complete, accurate and easily readable hard copies of the records.

(2) In order to permit the immediate location of any particular records:

(i) Arrange, index and file microfilm or microfiche and preserve the index and file in such a manner as to permit the immediate location of any particular records; and

(ii) Create a directory structure for files of records and an index for records on optical disk, and preserve the files, index and directory structure in such a manner as to permit the immediate location of any particular record. Directory structures must organize and locate computer files and an index must distinguish, identify and locate records in the same file.

(3) Be ready at all times to provide, and immediately provide, at the expense of the person required to keep such records, any hard copy or facsimile enlargement of such records which any representative of the Commission or U.S. Department of Justice may request; and

(4) Keep only Commission-required records on the same disk. Storage of a non-Commission-required record on the same disk with a Commission-required record shall be deemed a waiver of any privilege, claim of confidentiality, or other objection to disclosure with respect to the non-Commission-required record, should a Commission or Department of Justice representative undertake to inspect or seize the disk, or introduce it in evidence in any proceeding.

(d) Optical Storage Systems—Any optical storage system used to preserve records under paragraph (b) of this section must allow exclusively for the preservation of the records required under rule 1.31 using a non-rewritable, non-erasable technology with write verify capabilities that continuously and automatically verifies the quality and accuracy of the information stored and automatically corrects quality and accuracy defects. The system must employ removable optical disks, serialize the disks and time-date all files of information placed on the disk. The time date must be permanent and non-erasable. The system must also maintain on each optical disk the directory structure and index relating to the data stored on the disk. All information must be stored in ASCII or EBCDIC format. In addition, except as otherwise provided by the Commission or its designee, persons using optical storage systems must file information with the Commission or its designee as follows:

(1) All persons using optical storage systems must file with the Commission or its designee and keep current a copy of logical file formats and field formats of all different files written on optical disks, as well as any other information needed to allow the Commission to read the disks and locate particular records, including the hardware make and model and operating system software version and release level of the computer system hosting the storage device and identity of the device driver used to write the optical media, including the release level. In addition, if records are written in an ASCII or EBCDIC format other than standard non-compressed ASCII or EBCDIC, persons must file documentation of the method used to encode data providing a thorough description of any compression algorithm, including the physical file format and conversion routines to transform the records to a non-compressed ASCII or EBCIDIC format.

(2) Persons using optical storage systems other than Write Once Read Many (WORM) drive technology or compact disk read only memory (CD-ROM) technology meeting the requirements of this paragraph, must, at least 60 days prior to using such system, file with the Commission instructional and descriptive documentation regarding the system's hardware and software showing how the system meets such requirements. The system will not be considered sufficient for record retention under this section of the regulations if the Commission gives notice within 60 days that the proposed system does not meet the conditions set forth in this paragraph of the regulations.

3. Section 1.35 is proposed to be amended by revising the flush paragraph that follows (b)(3)(iii) to read as follows:

§ 1.35 Records of cash commodity, futures and options contracts.

* * * * *

(b) * * *

(3) * * *

(iii) * * *

Provided, however, that where reproductions on microfilm, microfiche or optical disk are substituted for hard copy in accordance with the provisions of 1.31(b) of this part, the requirements of paragraphs (b)(1) and (b)(2) of this section will be considered met if the person required to keep such records is ready at all times to provide, and immediately provides in the same city as that in which such person's commodity or commodity option books and records are maintained, at the expense of such person, reproduced copies which show the records as specified in paragraphs (b)(1) and (b)(2) of this section, on request of any representative of the Commission or the U.S. Department of Justice.

* * * * *

Issued in Washington, DC, this October 19, 1992, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-25815 Filed 10-23-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[INTL-656-87]

RIN 1545-AC06

Treatment of Shareholders of Certain Passive Foreign Investment Companies; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed Income Tax Regulations relating to the taxation of shareholders of certain passive foreign investment companies (PFICs) upon payment of distributions by such companies or upon disposition of the stock of such companies.

DATES: The public hearing will be held on Monday, November 23, 1992, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Thursday, November 12, 1992.

ADDRESSES: The public hearing will be held in the IRS Commissioner's Conference Room, room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-622-6803, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is regulations that contain amendments to the Income Tax Regulations (26 CFR Part 1) under sections 1291, 1293, 1295, and 1297 of the Internal Revenue Code of 1986. These proposed regulations were published in the **Federal Register** for Wednesday, April 1, 1992.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Thursday, November 12, 1992, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Dale D. Goode,

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

[FR Doc. 92-25392 Filed 10-23-92; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 762, Reference Notice No. 749]

RIN 1512-AA67

Reopening of the Comment Period for Grape Variety Names for American Wines

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

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: This notice reopens the comment period for Notice No. 749 (57 FR 40380), published September 3, 1992. That notice proposed the establishment of a list of approved prime names of grape varieties for American wines, a list of alternative variety names, and a mechanism by which any person could petition the Director, ATF, for approval of additional variety names. The comment period closed on October 5, 1992.

Due to the receipt of five requests to extend the comment period, ATF is reopening the comment period on this notice of proposed rulemaking for 60 days.

DATES: Written comments must be received by December 28, 1992.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221; Attention Notice No. 762. Comments not exceeding three pages may be submitted by facsimile transmission to (202) 927-8602.

Copies of written comments in response to this notice and to Notice No. 749 will be available for public inspection during normal business hours at: ATF Reference Library, Office of Public Affairs and Disclosure, room 6480, 650 Massachusetts Avenue NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, or James A. Hunt, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226; Telephone (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 1992, ATF published Notice No. 749, proposing the establishment of a list of approved prime names for grape varieties used in designating American wines. It further proposed a list of alternative names which could be used prior to January 1, 1996, for designating American wines. As of that date, only the names on the list of approved prime names could be used as varietal wine designations. Notice No. 749 also proposed a mechanism whereby any person could petition the Director, ATF, for approval of a grape variety name. Changes to the list of approved grape variety names would be published in the **Federal Register** on an annual basis.

ATF has received five requests to extend the comment period; requests were received from the Embassy of France, the American Vintners Association, the National Association of Beverage Importers, Inc., the Delegation of the Commission of the European Communities, and Wine World Estates. All of these respondents requested additional time in which to prepare comments to the proposals contained in the notice; two of these respondents cited the additional time necessary in which to contact foreign suppliers and governments for input on the proposals.

Due to the requests for extension of the comment period received, ATF is reopening the comment period for 60 days. No changes or additional proposals to those in the notice are being made. ATF is, however, correcting the accent marks on "Alvarelhão" and "Mourvèdre." Additionally, the grape variety names "Albemarle," "Cinsaut," and "Mataro" were misspelled as they appeared in the **Federal Register.** In the list of prime names in proposed § 4.91, the following names should have appeared as:

Albemarle
Alvarelhão
Black Malvoisie (Cinsaut)
Mataro (Mourvèdre)
Mourvèdre (Mataro)

Drafting Information

The principal author of this document is Charles N. Bacon, Wine and Beer Branch, Compliance Operations, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspections, Imports, Labeling, Packaging and containers, Wine.

Authority

This notice is issued under the authority of 27 U.S.C. 205.

Dated: October 20, 1992.

Stephen E. Higgins,

Director.

[FR Doc. 92-25821 Filed 10-23-92; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5 91-054]

Drawbridge Operation Regulations; Rancocas River (Creek), New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Burlington County Bridge Commission, the Coast Guard is considering changing the regulations governing the Riverside-Delanco (SR#543) bridge, mile 1.3. In conjunction with this change, the Coast Guard is also considering revising the regulations governing the Conrail bridge, mile 1.6 at Delanco and the SR#38 bridge, mile 7.8 at Centerton all over the Rancocas River. The proposed change eliminates the requirement to open the bridge on signal from 7 a.m. to 11 p.m. from 1 through 30 November and permits at least 24 hours notice during that period. This action will relieve the bridge owners of the burden of having a person constantly available to open the draws during this time period but should still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before December 10, 1992.

ADDRESSES: Comments may be mailed to Commander (ob), Fifth Coast Guard District, c/o Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, NY 10004-5073. Comments may also be hand-delivered to this address. Normal office hours are between 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The District Commander maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator—NY, Fifth Coast Guard District, (1) 668-7170.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, this rulemaking (CGD5 91-054), and the specific section of the proposal to which each comment applies and give reasons for concurrence with or any recommended changes to the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **"ADDRESSES"**. If it is determined 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 drafters of this notice are Joe Arca Jr., Project Manager, and LT Monica Lombardi, Project Counsel, Fifth Coast Guard District, Legal Office.

Background and Purpose

Rancocas River (Creek), New Jersey is primarily a seasonal recreational waterway. The Riverside-Delanco (SR#543) bridge, mile 1.3, the Conrail bridge, mile 1.6 at Delanco and the SR#38 bridge, mile 7.8 at Centerton provide a vertical clearance to low steel in the closed position of 4, 3, and 6 feet at Mean High Water and 10, 9, and 10 feet at Mean Low Water, respectively. The primary marina operations are located between the Conrail and SR#38 bridges. Additionally, except during the winter months, the Conrail Bridge is left in the open position because of the limited number of trains crossing the bridge.

The Burlington County Bridge Commission requested a change in the hours of operation at the Riverside-Delanco bridge over the Rancocas River due to the limited number of openings during the month of November. In conjunction with the change, the Coast Guard proposes to also revise the regulations for the other two drawbridges on the waterway

This action should accommodate the reasonable needs of navigation and relieve the bridge owners of the burden of having persons constantly available to open the draws during the winter.

Discussion of Proposed Amendments

The proposed change eliminates the present requirement to open the bridge on signal from 7 a.m. to 11 p.m. during the period from 1 through 30 November, and permits at least 24 hours notice during that period for recreational vessels. The proposed regulations also require the installation and maintenance of clearance gauges to assist mariners with smaller vessels in transiting the bridges in the closed position and provides for opening as soon as possible for public vessels of the United States, state or local vessels used for public safety and vessels in distress.

The Burlington County Bridge Commission, owners of the first and normally the controlling bridge have operators available during the closed periods to respond within an hour to telephone or radio request. Conrail also maintains 4 hour contact numbers but normally leaves their bridge open when not manned. Bridge logs provided by the Burlington County Bridge Commission indicated that a total of 15, 19, and 3 openings were provided during the month of November in 1987, 1988, and 1989 respectively. These openings were primarily to facilitate refueling of the New Jersey Marine Police boats, which could be scheduled in advance.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so minimal that a Regulatory Evaluation is unnecessary. This opinion is based on the fact that the regulations will not prevent the mariners from transiting the bridges during the period in question, but just require advance notice for openings. Additionally, the minor cost of providing and maintaining clearance gauges will be offset by reduced requests for openings.

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). 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 preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. Section 2.B.2.g.(5) provides that Bridge Administration program action relating to the promulgation of operating requirements or procedures for drawbridges are excluded. A Categorical Exclusion Determination is available in the docket for inspection or for copying where indicated under "ADDRESSES".

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.745 is revised to read as follows:

§ 117.745 Rancocas River (Creek)

(a) The following requirements apply to all bridges across the Rancocas River (Creek):

(1) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible without delay at any time. The opening signal from these vessels is four or more short blasts of a whistle or horn, or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed, and maintained according to the provisions of paragraph 118.160 of this chapter.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed ten minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(b) The draws of the SR#543 bridge, mile 1.3 at Riverside, the Conrail bridge, mile 1.6 at Delanco and the SR#38 bridge, mile 7.8 at Centerton, shall operate as follows:

(1) From April 1 through October 31 open on signal from 7 a.m. to 11 p.m.

(2) From November 1 through March 31 from 7 a.m. to 11 p.m., open on signal if at least 24 hours notice is given, except as provided in paragraph (a)(1) of this section.

(3) Year round from 11 p.m. to 7 a.m. need not open for the passage of vessels, except as provided in paragraph (a)(1) of this section.

Dated: October 1, 1992.

W.T. Leland,

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

[FR Doc. 92-25756 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 155

[CGD 90-068]

RIN 2115-AD66

Discharge-Removal Equipment for Vessels Carrying Oil

AGENCY: Coast Guard, (DOT).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Coast Guard is extending the comment period on the requirements for vessels to carry discharge-removal equipment to 45 days to allow 15 additional days for public comment.

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 90-068), 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: Mr. Frank Wood, Project Manager, Oil Pollution Act of 1990 (OPA 90) Staff, (202) 267-6228, Commandant (G-MS-1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal person involved in drafting this document is Mr. Frank Wood, Project Manager, OPA 90 Staff, U.S. Coast Guard Headquarters.

Background and Purpose

On September 29, 1992, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** (57 FR 44912) to require vessels carrying oil in bulk as cargo to carry discharge-removal equipment to contain and remove on-deck oil spills, install spill prevention coamings, and install emergency towing arrangements. The comment period was inadvertently limited to 30 days rather than the 45 days usually allowed by the Coast Guard. The purpose of this notice is to extend the comment period to the full 45-day period.

Dated: October 15, 1992.

A. E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection

[FR Doc. 92-25897 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-4527-2]

Hazardous Waste Manifest Rulemaking Committee; Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Public meeting.

SUMMARY: We are giving notice of a public meeting of the Hazardous Waste Manifest Rulemaking Committee. The meeting is open to the public without advance registration.

The purpose of the meeting is to exchange information and opinions on issues related to revising the uniform national hazardous waste manifest form and rule.

DATES: The meeting will be held on November 9 from 10 a.m. to 6 p.m. and November 10, 1992 from 8:15 a.m. to 4 p.m.

ADDRESSES: Location of the meeting will be World Wildlife Fund, suite 500, 1250 Twenty-fourth St. NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the substantive matters of the rule should contact Rick Westlund, Regulatory Management Division, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-2745. Persons needing further information on procedural matters should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-5495, or Committee's facilitator, Suzanne Orenstein, Resolve, 1250 24th Street, NW., suite 500, Washington, DC 20037, (202) 778-9533.

Dated: October 21, 1992.

Deborah Dalton,

Deputy Director, EPA Consensus and Dispute Resolution Program, Office of Regulatory Management and Evaluation.

[FR Doc. 92-26020 Filed 10-23-92; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 51

[FRL-4129-1]

Air Quality: Revision to Definition of Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to revise its definition of volatile organic compounds (VOC) for purposes of preparing State implementation plans (SIP's) to attain the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act. The proposed revision would add perchloroethylene to the list of compounds excluded from the definition of VOC on the basis that it has negligible photochemical reactivity and thus does not contribute to tropospheric ozone formation. Perchloroethylen is a solvent commonly used in dry cleaning, maskant operations, and degreasing.

DATES: Comments on this proposal must be received by December 28, 1992. Requests for a hearing should be submitted to William Johnson by November 25, 1992, at the address below.

ADDRESSES:

Comments. Comments should be submitted in duplicate (if possible) to: Central Docket Section (LE-131), Attention: Docket No. A-92-09, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments should be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mr. William Johnson, Air Quality Management Division (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5245. The EPA will publish notice of a hearing, if requested, in the **Federal Register**. Any hearing will be strictly limited to the subject matter of the proposal, the scope of which is discussed below.

Docket. This action is subject to the procedural requirements of section 307(d)(1)(B), (I), and (N) of the Clean Air Act, 42 U.S.C. 7607(d)(1)(B), (I), and (N). Therefore, EPA has established a public docket for this action, A-92-09, which is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at EPA's Central Docket Section, South Conference Center, room 4, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: William Johnson, Office of Air Quality Planning and Standards, Air Quality Management Division (MD-15), Research Triangle Park, NC 27711, phone (919) 541-5245. Interested persons may call Mr. Johnson to see if a hearing will be held and the date and locating of any hearing.

SUPPLEMENTARY INFORMATION: On February 3, 1992 (57 FR 3941), EPA promulgated a general definition of VOC [codified at 40 CFR 51.100(s)] as part of EPA's regulations governing the preparation of SIP's. That action also incorporated this definition into various SIP-related rules, including EPA's new source review rules and the Federal implementation plan (FIP) rules for the Chicago area. The definition excludes a number of organic compounds from the definition of VOC on the basis that they are negligibly photochemically reactive and do not contribute to tropospheric ozone formation.

On January 28, 1992, the Halogenated Solvents Industry Alliance (HSIA) petitioned the Agency to take several actions that would have the effect of exempting perchloroethylene (perc) under the Clean Air Act as a precursor to tropospheric ozone. Based on their contention that perc is negligibly photochemically reactive and does not contribute to tropospheric ozone formation, HSIA requested that EPA take the following actions:

1. Revise its "Recommended Policy on the Control of Volatile Organic Compounds," 42 FR 35313 (July 8, 1977), by adding perc to the list of volatile organic compounds of negligible photochemical reactivity that should be exempt under SIP's.

2. Codify the policy by adding a general regulatory definition of "volatile organic compounds" to 40 CFR part 51, as proposed at 56 FR 11387 (March 18, 1991), that is consistent with the requested policy revision.

3. Withdraw the Control Techniques Guideline (CTG) entitled "Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems."

4. In taking final action on any pending proposal to approve VOC regulations as part of a SIP, expressly exempt perc and clarify that EPA lacks authority to approve or enforce VOC regulations to the extent that they apply to perc.

5. Take such other actions as may be necessary to ensure that perc is exempt from regulation as a photochemically reactive VOC. The petition further requested EPA to take these actions "immediately."

The HSIA identified, as the technical basis for its contention that perc is negligibly reactive, an October 24, 1983 proposal (48 FR 49097) by EPA to amend its "Recommended Policy on Control of

Organic Compounds" to exempt perc from regulation under ozone SIP's on the basis of its negligible photochemical reactivity. The EPA never finalized its proposal to exempt perc and the EPA policy, which was originally published on July 8, 1977 (42 FR 35313) and did not exempt perc from control under ozone SIP's, remained effective.

Response to HSIA Petition

The EPA's responses to the HSIA petition are as follows:

Action 1: Revise the policy definition of VOC.

Response: On February 3, 1992, EPA promulgated a regulation in which it defined "VOC." The EPA did not add perc to the list of exempt compounds in that rulemaking action. In that rulemaking, EPA withdrew its prior policy statement regarding the definition of VOC's for the purpose of ozone SIP's, and the regulatory definition of VOC superseded the definition in the policy statement. Since the policy document no longer has any effect, EPA cannot revise it. Because the rule supersedes the policy document, any change to the Federal VOC definition will need to occur through a rulemaking action revising the VOC definition promulgated on February 3, 1992.

Action 2: Issue a final rule based on the March 18, 1991 proposal.

Response: Since EPA has finalized its proposed action of March 18, 1991, EPA considers HSIA's request to issue a final rule based on that proposal as a petition to amend the final regulatory definition of VOC to include perc as a negligibly-reactive compound (see 57 FR 3941, February 3, 1992). Since any action to amend the definition of VOC would be a rulemaking action and, therefore, subject to notice and public comment, it cannot be taken immediately. Today's proposal, however, is the first step in meeting HSIA's request. If made final, today's action would exempt perc from the definition of VOC and would grant this part of the HSIA petition.

Actions 3, 4, and 5: Withdraw CTG; exempt perc from federally approved SIP's; take any other action necessary to exempt perc.

Response: EPA will take appropriate action on these matters after final action is taken on the regulatory definition of VOC. Any action at an earlier date on the dry cleaning CTG and SIP's would, in effect, prejudge the outcome of this rulemaking action. It is EPA's intent that, if today's proposal to exempt perc from the definition of VOC is made final, action to withdraw the appropriate CTG's would be taken simultaneously with the final rulemaking action.

Today's Proposal

As discussed in the October 24, 1983 proposal, continuing questions concerning the reactivity of perc led the Agency to investigate this question in more detail. Although a number of studies had been conducted on the reactivity of perc, the evidence was neither complete nor consistent. To interpret more conclusively the past evidence, and to further understand perc's role in the ozone problem, a smog chamber testing program was conducted. The program's objectives were: (a) To explain the mechanism of the perc reaction in smog chamber atmospheres, and (b) to extrapolate the smog chamber findings regarding perc reactivity to the real atmosphere. Results showed that: (a) In smog chambers, perc reacts and forms ozone following a chlorine (C1)-instigated photooxidation mechanism rather than the hydroxyl radical (OH)-initiated mechanism accepted in current smog chemistry, and (b) in the real atmosphere neither the C1-instigated nor the OH-instigated photooxidations of perc can generate substantial concentrations of ozone. It was concluded that perc contributes less to the ambient ozone problem than equal concentrations of ethane (one of the negligibly-reactive organic compounds previously exempted from ozone SIP controls). The details of this investigation are contained in a report, "Photochemical Reactivity of Perchloroethylene," a copy of which has been placed in the docket.

On the basis of this study, the EPA concluded that perc is no more photochemically reactive than compounds such as ethane that were then on the list of negligibly-reactive compounds which could be exempt from SIP's to attain the NAAQS for ozone. Thus, the EPA proposed to add perc to this list and solicited comments on this proposed action on October 24, 1983.

The EPA received 20 comments on the proposal: 13 from industry and trade organizations, and 7 from State or local air pollution control agencies. No environmental groups commented. All industry comments and four of the seven agency comments supported the proposal. None of the commenters questioned the technical judgment that perc is negligibly reactive and has an insignificant impact on ozone formation. However, there was quite a divergence of opinion as to the action EPA should take in response to the new findings on reactivity of perc, many of which related to concerns about perc as a toxic air pollutant. Because of these concerns, EPA determined to take no final action on the proposal.

Subsequently, the Clean Air Act as amended in 1990, listed perc as a hazardous air pollutant under section 112(b) and, pursuant to section 112(d), EPA has proposed the first set of emission standards for a major perc source category: perc dry cleaners (56 FR 64382, December 9, 1991). The EPA will be issuing hazardous pollutant emission standards for various other perc source categories over the next 8 years.

Because the scientific evidence continues to indicate that perc is negligibly photochemically reactive, and the concerns about the toxic effects of perc are being addressed under the section 112 hazardous pollutant regulatory program, EPA is today proposing to amend its definition of VOC at 40 CFR 51.100(s) to exclude perc as a VOC for ozone SIP purposes. States are not obligated to exclude from control as a VOC those compounds that EPA has found to be negligibly reactive. However, if this proposal is made final, EPA will neither approve nor enforce measures controlling negligibly-reactive compounds as part of a federally-approved ozone SIP. In addition, once this proposal is made final, States should not include these compounds in their VOC emissions inventories for determining reasonable further progress under the Act [see, e.g., section 182(b)(1)] and may not take credit for controlling these compounds in their ozone control strategy. Further, negligibly-reactive compounds may not be used for emissions netting [see, e.g., 40 CFR 51.166(b)(2)(c)], offsetting (see 40 CFR Appendix S), or trading with reactive VOC's (see Emission Trading Policy Statement, 51 FR 43814, December 4, 1986).

If this action is made final, there may be some incentive for sources and/or States to take actions which could result in an increase in emissions of a pollutant listed under the Clean Air Act as a hazardous air pollutant. Depending on the timing, stringency, and coverage of the standards set by EPA under section 112, these potential increases may not be addressed by the Federal regulatory program for some period of time. Consequently, for sources that are currently in compliance with State perc rules, States should consider the effect of allowing relaxations in existing

emissions limits where such rules were adopted in part to address potential air toxics concerns. Furthermore, sources that are not now using perc should note that switching to the use of perc once it becomes exempt as a VOC could result in their being regulated under section 112.

Pursuant to 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 because it relaxes current regulatory requirements rather than imposing new ones. This proposed rule was submitted to the Office of Management and Budget (OMB) as required by Executive Order (E.O.) 12291. The E.O. 12291 requires each Federal agency to determine if a regulation is a "major" rule as defined by the E.O. and "to the extent permitted by law," to prepare and consider a Regulatory Impact Analysis in connection with every major rule. Because this rule relaxes regulatory requirements, it is not "major" within the meaning of E.O. 12291. Drafts submitted to OMB for review, any written comments from OMB or other agencies, and any EPA written responses to those comments will be included in the Docket. This action does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This notice has no Federalism implications under E.O. 12612 since it imposes no new requirements on States or sources. Instead, it provides additional flexibility to States to exempt certain compounds from ozone SIP control programs and provides similar exemptions involving FIP and Federal new source review rules.

Assuming this rulemaking is subject to section 317 of the Clean Air Act, the Administrator concludes, weighing the Agency's limited resources and other duties, that it is not practicable to conduct an extensive economic impact assessment of today's action since the rule promulgated today will relax current regulatory requirements. Accordingly, the Administrator simply notes that any costs of complying with today's action, any inflationary or recessionary effects of the regulation, and any impact on the competitive standing of small businesses, on consumer costs, or on energy use will be less than or at least not more than the impact that existed before today's action.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 14, 1992.

William K. Reilly,

Administrator.

For reasons set forth in the preamble, part 51 of chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: Sections 101(b)(1), 110, 160–169, 171–178, 301(a) and 501–507 of the Clean Air Act, 42 U.S.C. 7401(b)(1), 7410, 7470–7479, 7501–7508, 7601(a), and 7661–7661f.

2. Section 51.100 is amended by revising paragraph (s)(1) introductory text, to read as follows:

§ 51.100 Definitions.

* * * * *

(s) * * *

(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro-2,2,2-trifluoroethane (CFC–113); trichlorofluoromethane (CFC–11); dichlorodifluoromethane (CFC–12); chlorodifluoromethane (CFC–22); trifluoromethane (FC–23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC–114); chloropentafluoroethane (CFC–115); 1,1,1-trifluoro 2,2-dichlorethane (HCFC–123); 1,1,1,2-tetrafluoroethane (HFC–134a); 1,1-dichloro 1-fluoroethane (HCFC–141b); 1-chloro 1,1-difluoroethane (HCFC–142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC–124); pentafluoroethane (HFC–125); 1,1,2,2-tetrafluoroethane (HFC–134); 1,1,1-trifluoroethane (HFC–143a); 1,1-difluoroethane (HFC–152a); perchloroethylene (tetrachloroethylene) and perfluorocarbon compounds which fall into these classes:

* * * * *

[FR Doc. 92–25642 Filed 10–23–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[PA17-1-5431; A-1-FRL-4526-8]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of VOC Emissions from Marine Vessel Loading and Ballasting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision is the addition of new regulations for the Control of Volatile Organic Compound (VOC) Emissions from Marine Vessel Loading and Ballasting. The intended effect of this action is to propose approval of regulations for Organic Liquid Cargo Vessel Loading and Ballasting applicable in Delaware and Philadelphia Counties in the Commonwealth of Pennsylvania. This action is being taken under section 110 and part D of the Clean Air Act.

DATES: Comments must be received on or before November 25, 1992. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit. U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Commonwealth of Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 2357, Executive House—2nd & Chestnut Streets, Harrisburg, PA 17120; Department of Public Health, Air Management Services, Spelman Building, 321 University Avenue, Philadelphia PA., 19104.

FOR FURTHER INFORMATION CONTACT: Enid A. Gerena, (215) 597–6863.

SUPPLEMENTARY INFORMATION: On November 13, 1991, the Pennsylvania Department of Environmental Resources (PADER) submitted a revision to the Pennsylvania State Implementation Plan (SIP) to add new regulations for the

control of volatile organic compound (VOC) emissions from the loading and ballasting of organic liquid cargo vessels applicable in Delaware and Philadelphia Counties in the Commonwealth of Pennsylvania.

The revision consists of amendments to title 25 Pa. Code Chapters 121 and 129. Specifically, section 121.1 is being amended to include a definition of the term "Organic Liquid Cargo Vessel" and section 129.81 is being added to establish emission limits and compliance schedules to reduce VOCs from organic liquid cargo vessel loading and ballasting operations.

Background

The Clean Air Act Amendments of 1990 were enacted on November 15, 1990. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT. RACT fix-ups were also required under pre-amended section 172(b) as that requirement was interpreted in pre-amendment guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Southeastern Pennsylvania nonattainment area is classified as severe.[2] Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

Pursuant to section 183(f) of the Clean Air Act, EPA is required to promulgate federal regulations for marine vessel loading facilities by November 15, 1992. Section 183(f)(4) of the Act provides that State regulations governing emissions from tank vessels must be at least as stringent as the Federal standard.

The Commonwealth of Pennsylvania adopted its regulations, requiring the control of VOC emissions during organic liquid cargo vessel loading and ballasting operations, effective September 28, 1991.

This SIP revision was adopted and submitted by the Pennsylvania Department of Environmental Resources (PADER) pursuant to an existing SIP commitment to reduce ozone levels in Southeast Pennsylvania. Emission reductions of VOCs obtained from the implementation of these measures are needed by the Commonwealth in order to attain the National Ambient Air Quality Standards (NAAQS) for ozone.

If EPA determines that the Commonwealth's regulations are less stringent than the federal regulations, once promulgated, the federal regulations shall preempt the Commonwealth's regulations and EPA will require the Commonwealth to amend its SIP.

Summary of the SIP Revision.

1. The SIP revision adds a definition of the term "Organic Liquid Cargo Vessel" at title 25 Pa. Code chapter 121, section 121.1. An Organic Liquid Cargo Vessel is defined as a tanker, freighter, barge, vessel, ship or boat used for the bulk transport of organic liquid cargo.

2. The SIP revision amends title 25 Pa. Code chapter 129, by adding section 129.81 to require that the loading of gasoline into organic liquid cargo vessels be conducted in such a way that the VOC emissions are vented and processed through a vapor recovery or destruction device to reduce the VOCs by at least 90 percent by weight. Section 129.81 also requires that the vapor collection and transport system employed to carry VOCs to the vapor control system be maintained and operated so that leaks are prevented and controlled in the manner specified in the regulation.

3. Section 129.81 also requires that ballasting of organic liquid cargo vessels containing crude oil or gasoline be conducted in such a way that the VOC emissions are processed through a vapor recovery or destruction device to reduce the VOCs by at least 90% by weight.

4. Section 129.81 also establishes compliance schedules for meeting the requirements to control VOC emissions from organic liquid cargo vessel loading and ballasting.

5. Notwithstanding the other provisions of the section, section 129.81 also contains provisions to allow a facility to implement permanent and enforceable measures to control VOCs from ballasting of an organic liquid cargo vessel containing gasoline or crude oil so long as certain conditions are met and those measures are approved by the Department and EPA.

EPA is proposing to approve these revisions to the Pennsylvania SIP to control VOC emissions from the loading and ballasting of organic liquid cargo vessels in Delaware and Philadelphia Counties.

EPA is soliciting public comments on the issues discussed in this notice. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

Proposed Action

EPA is proposing to approve revisions to the Pennsylvania SIP's regulations at title 25 Pa. Code chapter 121, section 121.1 and chapter 129, section 129.81 pertaining to the loading and ballasting of organic liquid cargo vessels in Delaware and Philadelphia Counties.

Nothing in this section should be construed as permitting or allowing or establishing a precedent for any future request for revision of any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities, 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the Commonwealth is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union*

[1] Among other things, the pre-amendment guidance consists of the Post-87 policy, 52 Fed. Reg. 45044 (Nov. 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (of which notice of availability was published in the Federal Register on May 25, 1988); and the existing CTG's.

[2] The Southeastern Pennsylvania area retained its designation of nonattainment and was classified by operation of law pursuant to section 107(d) and 181(a) upon enactment of the Amendments. 56 FR 56694.

Electric Co. v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

This action to propose approval of Pennsylvania's regulations for Organic Liquid Cargo Vessel Loading and Ballasting has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 9, 1992.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 92–25899 Filed 10–23–92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-268; DA 92-1445]

Advanced Television Systems and Their Effect on the Existing Television Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Commission's Chief Engineer has extended the time for filing comments and reply comments in response to the Second Further Notice of Proposed Rule Making in MM Docket No. 87–268, FCC 92–332, 57 FR 38652, August 26, 1992 which sets forth proposals for policies to be used in allotting conversion channels for advanced television service (ATV). This is in response to a request by the Association for Maximum Service Television, Inc.

DATES: Comments must be filed on or before November 16, 1992, and reply comments on or before December 16, 1992.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell (202–653–8162) or Robert Eckert (202–653–8163), Office of Engineering and Technology, or Gordon Godfrey (202–632–9660), Mass Media Bureau.

SUPPLEMENTARY INFORMATION: On October 9, 1992, the Association for Maximum Service Television, Inc. (MSTV) filed a motion requesting an extension of the time for filing comments and reply comments in response to the Second Further Notice of Proposed Rule Making (Second Further Notice) in MM Docket No. 87–268. Comments and replies in response to the Second Further Notice currently are due November 2, 1992, and December 2, 1992, respectively. MSTV asks that these dates be extended fourteen days, with comments due November 16, 1992, and replies due December 16, 1992. MSTV states that the requested additional time is necessary to enable it to prepare joint comments on behalf of the Broadcast industry and to avoid a scheduling conflict with a meeting of its board of directors.

We recognize the significance of the industry coordination effort that MSTV is undertaking and the benefits of that effort to the important and complex issues involved in the allotment and assignment of ATV conversion channels. We support this undertaking and believe it is desirable to encourage its success. To this end, the FCC staff involved in the development of ATV allotment and assignment policy are now coordinating with the MSTV staff involved in this project on a regular basis to exchange information on these issues and to provide MSTV with assistance wherever possible. We further recognize the demands faced by MSTV in preparing and coordinating broadcast industry comments responding to the Second Further Notice. We believe an extension of the time for filing comments and replies as requested by MSTV will further the development of the record on the ATV allotment and assignment policy issues. This action will not affect our schedule for final action of the ATV Table of Allotments.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–25723 Filed 10–23–92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 218

[FRA Docket Number RSOR-11, Notice No. 2]

RIN 2130—AA77

Railroad Operating Practices; Protection of Utility Employees; Extension of Comment Period

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Extension of comment period.

SUMMARY: On September 10, 1992, the Federal Railroad Administration (FRA) published a notice of proposed rulemaking (NPRM) proposing to amend the rule governing blue signal protection of railroad workers. The NPRM proposed to amend the rule by including a provision governing the protection of utility employees. The period for the filing of comments is being extended until October 30, 1992.

DATES: Written comments must be received on or before October 30, 1992. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written Comments: Address comments to the Docket Clerk, Office of Chief Counsel, RCC–30, Federal Railroad Administration, Department of Transportation, 400 Seventh Street, SW., room 8201, Washington, DC 20590. Comments should identify the docket number and five copies should be submitted. Persons wishing to receive confirmation of the receipt of their comments should include a self-addressed stamped postcard. The Docket Section is located in room 8201 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: James Schultz, Office of Safety, FRA, RRS–11, Washington, DC 20590 (telephone (202) 366–9252), or Sarah J. Landise, Office of Chief Counsel, FRA, Kansas City, Missouri 64106 (telephone (816) 426–2497).

SUPPLEMENTARY INFORMATION: On September 10, 1992, the Federal Railroad

Administration (FRA) published a notice of proposed rulemaking (NPRM) (57 FR 41454), proposing to amend the rules governing blue signal protection of railroad workers. The NPRM proposed to amend the rule to include a provision governing the protection of utility employees.

Interested persons were invited to file written comments prior to October 9, 1992, and to participate in a public hearing on October 16, 1992.

Several organizations requested additional time to respond to the NPRM. It was represented that additional time was needed in order to compile information and present FRA with a complete record.

The FRA has decided to extend the period for filing written comments for 21 days. Written comments must be received on or before October 30, 1992.

Issued in Washington, DC, on October 20, 1992.

S. Mark Lindsey,

Chief Counsel, Federal Railroad Administration.

[FR Doc. 92-25863 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB63

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant Lilium Occidentale (Western Lily)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to list the plant *Lilium occidentale* (western lily) as an endangered species under the authority contained in the Endangered Species Act of 1973, as amended (Act). The western lily is known to occur in 30 small, widely separated populations in sphagnum bogs, coastal scrub and prairie, and other poorly drained soils along the coast of southern Oregon and northern California. Threats to the species include development (e.g., roads, cranberry farms, buildings, and associated infrastructure), competition from encroaching shrubs and trees into lily habitat, bulb collecting, and grazing by domestic livestock and deer. Human activities have interrupted natural processes of bog and wetland creation and maintenance, so that there are fewer bogs in early successional stages suitable for this lily. A determination that *Lilium occidentale* is endangered would implement the Federal protection and recovery actions provided by the Act. Comments from the public regarding this proposal are sought.

DATES: Comments from all interested parties must be received by December 28, 1992. Public hearing requests must be received by December 10, 1992.

ADDRESSES: Comments and materials concerning this proposal should be sent to Charles H. Lobdell, Field Supervisor, Boise Field Office, U.S. Fish and Wildlife Service, 4696 Overland Rd., room 576, Boise, Idaho 83705 (telephone 208/334-1931). Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Robert L. Parenti, Botanist, Boise Field Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

Carl Purdy first collected and described *Lilium occidentale* (western lily) from unspecified locations in the headlands around Humboldt Bay, California (Purdy 1897). There are no other taxonomic treatments of this lily. Some researchers have speculated that separate Oregon and California varieties of the lily may exist (Ballantyne 1980). The variation between lilies in these two regions is now believed to be due to environmental differences; wetter (bog) sites and drier (coastal prairie) sites, and not geographic variation (Mark Skinner, California Native Plant Society, pers. comm., 1991). In some instances, *Lilium occidentale* is known to hybridize with *L. columbianum* (tiger lily) which grows in generally drier sites. Hybrids are known only from disturbed sites such as road edges.

This perennial in the lily family (Liliaceae) grows from a short unbranched, rhizomatous bulb, reaching a height of up to 1.8 meters (5 feet (ft)). Leaves grow along the unbranched stem singly or in whorls and are long and pointed, roughly 1 centimeter (cm) wide and 10 cm long (½ inch (in) by 4 in). The nodding flowers are red, sometimes deep orange, with yellow to green centers in the shape of a star and spotted with purple. The six petals (tepals) are 3 to 4 cm (1 to 1.5 in) long and curve strongly backwards. This species can be distinguished from similar native lilies by the combination of pendent red flowers with yellow to green centers in the shape of a star, highly reflexed petals, non-spreading stamens closely surrounding the pistil, and having an unbranched rhizomatous bulb. *Lilium columbianum* is yellow to orange and grows from a typical ovoid bulb; *L. vollmeri*, *L. pardalinum*, and *L. maritimum* can have red tepals, but none have the distinctive characters of stamens which stay close to the pistil and a green central star (which may change to yellow with age).

Lilium occidentale has an extremely restricted distribution within 2 miles (3.2 kilometers (km)) of the coast, from Hauser, Coos County, Oregon, to Loleta, Humboldt County, California. This range encompasses approximately the southern one-third of the Oregon coast and the northern 100 miles (161 km) of the California coast. Its extremely westerly distribution is the origin of its specific name. The plant is currently known from 7 widely separated regions along the coast, and occurs in 30 small (i.e., 2 square meters (2.4 square yards) to 4 ha (10 acres) in area), isolated, densely clumped populations. Of the 25 populations known in 1987 and 1988, 9 contained only 2 to 6 plants, 5 contained 10 to 50 plants, 6 contained 51 to 200 plants, 4 contained 201 to 600 plants, and 1 contained almost 1,000 plants (Schultz 1989). At some sites, particularly the sites with more than 200 plants, the majority of plants were non-flowering, which is probably an indication of stress (Schultz 1989). Schultz calculated a known population of 661 flowering and at least 2,750 non-flowering plants in 1988. Since then, an estimated total of 1,000-2,000 flowering plants have been discovered at 4 sites near Crescent City, California, where none were previously known (Dave Imper, Humboldt State University Foundation, pers. comm., 1991). In addition, a population of about 125 flowering plants was discovered near Brookings, Oregon, in 1991 (Margie Willis, Oregon Department of Parks and Recreation, pers. comm., 1991). The known populations occur on State of Oregon (15), private (14—including 1 site on land owned by the Nature Conservancy), and State of California (2) lands. One site spans two ownerships.

In Oregon, Schultz (1989) identified a 20-mile stretch of coast from Bandon to Cape Blanco as an area likely to contain undiscovered populations of *L. occidentale*. Previously, Ballantyne (1980) searched this area and did not find new populations, but his visit was after flowering when the plants would have been inconspicuous. In California, little suitable habitat remains that has not already been surveyed (Dave Imper,

pers. comm., 1992). The extremely dense vegetation in the coastal scrub habitat and around bogs makes surveying for the lily difficult. It is probable that new populations may be discovered in the future; however, because of the restricted habitat and geographic area in which the lily occurs, and the extensive reduction in habitat which has already taken place, it is unlikely that new discoveries would significantly alter the status of the species.

Lilium occidentale grows at the edge of sphagnum bogs and in forest or thicket openings along the margins of ephemeral ponds and small channels. The species also grows in coastal prairie and scrub near the ocean where fog is common. Herb and grass associates include *Calamagrostis nutkaensis* (Pacific reedgrass), *Carex* sp. (sedge) *Sphagnum* sp. (sphagnum moss), *Gentiana sceptrum*, and *Darlingtonia californica* (California pitcher-plant). Common shrub associates are *Myrica californica* (wax-myrtle), *Ledum glandulosum* (Labrador tea), *Spiraea douglasii* (Douglas' spiraea), *Gaultheria shallon* (salal), *Rhododendron macrophyllum* (western rhododendron), *Vaccinium ovatum* (evergreen huckleberry), and *Rubus* sp. (blackberry). Tree associates include *Pinus contorta* (coast pine), *Picea sitchensis* (sitka spruce), *Chamaecyparis lawsonia* (Port Orford cedar), and *Salix* sp. (willow) (Schultz 1989).

Lilium occidentale has probably never been widespread in recent times, though historical records indicate it was once more common than it is today. Rising sea levels after the ice age flooded marine benches where bogs and coastal scrub would have been more extensive than today. This may account for the patchiness of its current habitat distribution. It is known or assumed to be extirpated in at least nine historical sites, due to forest succession, cranberry farm development, livestock grazing, highway construction, and other development. Its status is uncertain in at least seven other historical sites (Schultz 1989). These factors continue to threaten the lily, with development perhaps taking a primary role. Two known populations near Brookings, Oregon, were partially or totally destroyed by unpermitted development-related wetland fill activity in 1991. The largest known population and three smaller populations near Crescent City, California, are currently threatened by housing and recreation development (Dave Imper, pers. comm., 1991).

Federal government action on this species began when the Secretary of the Smithsonian Institution prepared a report on plants considered to be endangered, threatened, or extinct, pursuant to section 12 of the Act, including *Lilium occidentale* as endangered. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) accepting the report as a petition to list the species within the context of section 4(c)(2) (now section 4(b)(3)(A)) of the Act), and giving notice of its intention to review the status of the plant taxa named therein. In this and subsequent notices, *L. occidentale* was treated as under petition for listing as endangered. As a result of this review, on June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered pursuant to section 4 of the Act, including *L occidentale*. In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the **Federal Register** (44 FR 70796) of the withdrawal of that portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired.

The Service published an updated Notice of Review for plants on December 15, 1980 (50 FR 82480), including *L. occidentale* as a category 1 species, meaning that the Service had sufficient information to support a proposal for listing. A review of the information available on this species in 1985 indicated that category 2 status was more appropriate, and the plant was included as such in the September 27, 1985 (50 FR 39526) Notice of Review for plants. Category 2 species are taxa for which the Service has some information indicating that listing may be warranted, but additional information on biological vulnerability and threats is needed to support a proposal for listing as threatened or endangered. In 1989, a status review of the species was completed (Schultz 1989). This report provided the additional information necessary to elevate the species to a category 1 candidate; it was included as such in the February 21, 1990 Plant Notice of Review (50 FR 6184).

Section 4(b)(3)(B) of the Act requires the Secretary to make findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further required that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Lilium occidentale* because of the acceptance of the 1975 Smithsonian Report as a petition. On October 13, 1983, the Service found that the petitioned listing of this species was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notice of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed in 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991. Publication of this proposal constitutes the final 1-year finding for the petitioned action.

Summary of Factors Affecting the Species

Section 4 of the Endangered Species Act (Act) (16 U.S.C. 1533) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Lilium occidentale* Purdy (western lily) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Habitat or Range

Lilium occidentale existed historically at several sites above Humboldt Bay in northern California. These populations have been extirpated by development or in some cases encroachment by forest. From the 1940's to the present, conversion of bog habitat to cranberry farms, roads, and residential dwellings has undoubtedly eliminated suitable *L. occidentale* habitat as well as some populations of the plant from Bandon, south to Cape Blanco, Oregon (Schultz 1989). This area contained perhaps the greatest concentration of the species in Oregon 40 to 50 years ago, according to native plant collectors and old-time residents of the area (Ballantyne 1980). In 1988, this area contained 6 small populations with a total of fewer than 125 flowering plants (Schultz 1989). Clearing and draining along the Elk and Sixes Rivers in Oregon for livestock grazing have eliminated many of the once numerous populations there (Ballantyne 1980). In the mid-1960's, the construction of a picnic area and restroom facility in an Oregon State Park destroyed another population. In

the summer of 1987, trail maintenance by a crew from this same State Park destroyed the flowering shoots of six *L. occidentale* (Schultz 1989).

In 1984, the City of Brookings, Oregon, under permit from the Oregon Department of Transportation (ODOT), buried a sewer line along a powerline right-of-way through a lily bog which had contained up to approximately 100 plants (Veva Stansell, U.S. Forest Service, pers. comm.). The fill eliminated all the *Lilium occidentale* in a 20-ft (6.1 meter) wide strip, destroying almost half of the available lily habitat. The species that later colonized the fill, rushes and alder, were not the same as those found in the adjoining bog (e.g., sphagnum and sundews (*Drosera*) (Schultz 1989). In 1981, the City of Brookings again obtained permission from ODOT to bury a larger sewer line in the site, widening the destroying area to approximately 25 ft (7.6 meters). The project was completed without obtaining proper wetland fill permits (John Craig, Army Corps of Engineers, pers. comm., 1991). It is unlikely that the filled area will support *L. occidentale* in the future (Stewart Schultz, University of British Columbia, pers. comm., 1991). The effects on the hydrology of the remaining bog are as yet unknown. At a second site, a private developer drained a lily bog that historically contained about 100 plants, without obtaining a State or Federal permit for the wetland activity. Two lilies were found remaining between two drainage ditches (Richard Mize, California Native Plant Society, pers. comm., 1991).

Future development activities threaten the remaining sites where *Lilium occidentale* occurs. The largest known population occurs on privately-owned land in Crescent City, California. This land has been surveyed and is platted as a subdivision in City records (Richard Mize, pers. comm., 1991). Other nearby populations are privately-owned, and the owner has expressed the desire to develop the land (Dave Imper, pers. comm., 1991). The Oregon Department of Transportation is currently planning to widen Highway 101 at another lily site. Such pressure to develop wetland sites occupied by this lily will likely increase in the future. The lily is limited to habitat very near the coast which is currently undergoing intense development pressure; its bog and coastal prairie/scrub habitat occurs on level marine terraces which are desirable for coastal development because of the gentle topography and proximity to the ocean.

B. Overutilization for Commercial, Sporting, Scientific, or Educational Purposes

Lilium occidentale is a showy, rare lily and the species has been collected by lily growers and for the commercial trade at least since the 1930's. After the location of a California population of *L. occidentale* was published in lily society yearbooks in 1934, 1955, and 1972, bulb collecting by lily growers and breeders decimated the population (Ballantyne 1980). Overcollection continues sporadically at sites in Oregon and California (Schultz 1989). For example, in June of 1987, seven bulbs were dug from an Oregon site. Lily breeders collect *L. occidentale* seed regularly from several sites. Plants near trails and roads are occasionally picked: seven plants were picked in 1985, four to six in 1986, five in 1987, and two in 1988 at a site in Oregon (Schultz 1989). *Lilium occidentale* was reportedly advertised for sale in western United States and British seed and bulb catalogues (Siddall and Chambers 1978). Overcollection currently threatens this plant and would likely increase if specific locations of this plant were publicized.

C. Disease or Predation.

Although a limited amount of grazing may be of benefit to this species if it prevents forest succession (see Factor E), overgrazing by cattle is considered to be a threat to this plant. Until recently, livestock overgrazing on the lily and surrounding vegetation was severe at three California ranch sites (Schultz 1989). The lily population at one ranch was reduced from over 100 flowering individuals in 1984 to fewer than 10 in 1985 to 1988. At another ranch in 1985, half of the fruit were grazed by deer and cattle; in 1987, cattle crushed 32 percent and grazed another 25 percent of 49 flowering shoots by July. Only 17 intact fruit remained in August (Imper *et al.* 1987). Deer and elk herbivory is severe at 3 Oregon sites; 50–60 percent of the fruit in one population of about 60 flowering plants was browsed in 1987 and 1988 (Schultz 1989). Unknown vandals destroyed all flowering shoots at one site in 1980 (Ballantyne 1980).

Deer browsing continues to be a threat at the Oregon sites, and livestock grazing on two California populations is still a threat. Cattle have been excluded from the other ranch sites. However, the fences are not deer-proof and deer are common at these ranches. Though occurring sporadically, browsing by deer apparently can cause major damage.

Grazing of leaves, buds, and flowers by Coleopteran and Lepidopteran larvae is an ongoing threat at one California site (Imper *et al.* 1987). The highly clumped distribution and small number of populations of *L. occidentale* make any fungal, viral, or bacterial disease a potential threat. Fungal pathogens are common in cultivated lilies; growers often avoid planting in ground known to be contaminated.

D. Inadequacy of Existing Regulatory Mechanisms

Lilium occidentale is listed as an endangered species in both California (Chapter 1.5 § 2050 *et seq.*) and Oregon (ORS 564.100–564.135; OAR 603–73–005 *et seq.*), and is included in the Oregon Wildflower Protection Act (ORS 564.020). In California, the "take" of State-listed plants is prohibited, but the law appears to exempt the taking of such plants via habitat modification or land use change by the landowner. After the California Department of Fish and Game notifies a landowner that a State-listed plant grows on his or her property, State law evidently requires only that the landowner notify the agency "at least 10 days in advance of changing the land use to allow salvage of such plant" (Chapter 1.5 § 1913). In Oregon, the "take" of State-listed plants is prohibited only on State-owned or leased lands. Enforcement of State endangered species laws is inadequate, as is evident from the list of recent depredations in Factor C above, and from the "take" of lilies by activities of the City of Brookings on Oregon Department of Transportation land, as described in Factor A above. The seriousness of the problem of enforcement is underscored by the fact that this lily population on State land was twice subjected to destruction, although all involved parties were informed of the presence of the rare lily after the first incident and some restorative efforts were carried out then.

Lilium occidentale grows in wetland habitat. Under section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (Corps) regulates the discharge of fill into the waters of the United States, including wetlands. This Federal law does not regulate the drainage of wetlands unless dredged material is sidecast into the wetland. To be in compliance with the Clean Water Act, parties are required to notify the Corps prior to undertaking any activity (e.g., grading, discharge of soil or other fill material) that would result in the fill of wetlands under the Corps' jurisdiction. An individual permit is required in many cases. However, Nationwide Permits were designed to eliminate the need for individual permits in certain situations. Nationwide Permit

Number 26 (see 33 CFR 330.5) allows fill affecting up to 10 acres of wetlands if they are isolated or above the headwaters of a stream (i.e., where the flow is less than 5 cubic feet per second). For proposals involving fill affecting less than 1 acre, it is not necessary to notify the Corps. Where fill would affect isolated or above-the-headwaters wetlands of 1 to 10 acres in size, the applicant must notify the Corps. The Corps then circulates a predischarge notification to the Service and other interested parties for comment prior to determining whether or not the proposed fill activity qualifies under Nationwide Permit 26. The Corps must respond within 20 days or the proposed activity will be authorized under Nationwide Permit 26 by default.

The review process for the issuance of individual permits is more extensive, and conditions may be included that require the avoidance or mitigation of environmental impacts. The Corps has discretionary authority and can require an applicant to seek an individual permit if the Corps believes that the resources are sufficiently important, regardless of the size of the wetland. In practice, the Corps rarely requires an individual permit when a project would qualify for a nationwide permit, unless an endangered or threatened species occurs on the site. Most of the populations of *L. occidentale* are less than 10 acres in size, many are only a few square yards, and many are in wetlands with no surface drainage to streams (i.e., "isolated"). Therefore, filling them would fall under Nationwide Permit 26, and for those under 1 acre, would not even require notification to the Corps. If *L. occidentale* is listed as endangered, formal consultation with the Service would be required before the Corps could issue a 404 permit that may adversely affect the lily.

E. Other Natural or Manmade Factors

The primary long-term natural threat to *Lilium occidentale* is competitive exclusion by shrubs and trees as a result of succession in bogs and coastal prairie/scrub. Human activities such as draining of wetlands, clearing of land, elimination of beaver, and stabilization of moving sand areas have interrupted the natural processes of bog and wetland creation. As late-stage bogs and coastal scrub undergo succession to forest, lily habitat is eliminated with little new habitat being created. There is some indication that *L. occidentale* populations have been maintained in the past by periodic fires, perhaps set by Native Americans (Schultz 1989). Charcoal is abundant in the soil at several of the major populations, indicating past fires. Fires are now rare events in these areas.

Young plants of this species are almost always recruited under shrub cover, but the lily is shaded out by greater than 50 percent canopy cover or shrubs over 2 meters (6 ft) high. Several populations and portions of populations have already been extirpated by forest succession. There are 11 populations (ranging from 2 to about 1,000 plants) currently seriously stressed from competition, as indicated by low reproductive rates (Schultz 1989). Individual plants do not flower every year, apparently as an energy-saving mechanism when stressed. Health of a population can be evaluated by the number of flowering versus non-flowering plants, and the number of blooms per plant. It has been suggested that the 11 stressed populations would probably survive less than a decade without habitat manipulation (Schultz 1989). Invasion by the exotic shrub gorse (*Ulex europaeus*) into the bog habitat of *L. occidentale* probably eliminated suitable habitat in Oregon near Blacklock Point (Ballantyne 1980).

At four California ranch populations, livestock exclosure fences have solved the immediate problem of overgrazing (Dave Imper, pers. comm., 1992). A limited amount of cattle grazing may actually benefit the species by preventing forest succession. Over time, without habitat management, forest succession within the exclosures would limit the lilies to the well-lighted edges of the exclosures and reproduction would deteriorate.

Some populations are so small (2 to 100 flowering plants) that loss of genetic variability is a threat. Plants with genetic abnormalities such as 4-merous flowers, tepals replacing stamens, stamens replacing tepals, and double flowers have been observed over two or more seasons at sites in both California and Oregon. The effects of inbreeding may already be adversely affecting the viability of these small populations, and remains a future threat to the plant (Schultz 1989).

The Service has carefully assessed the best scientific and commercial information available concerning the past, present, and future threats faced by *L. occidentale* in determining to propose this rule. Based on this evaluation, the preferred course of action is to list *L. occidentale* as endangered. This species occupies an extremely restricted geographic range and is comprised of a total of 2,000 to 3,000 flowering individuals. Residential development, conversion of habitat to cranberry farms, shrub and tree succession, overcollection and vandalism, overgrazing, and loss of genetic diversity threaten this plant with extinction. Since the plant is in danger of extinction throughout its range, it fits the definition of endangered under the Act. Critical habitat is not being proposed for reasons stated under the following heading.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be listed as endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for this species. As described under Factor B in the "Summary of Factors Affecting the Species," *L. occidentale* is threatened by taking, an activity extremely difficult to prevent. It is only regulated by the Act for plants in cases of (1) removal and reduction to possession of listed plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, damaging or destroying on any other lands in knowing violation of any State law or regulation, or in the course of any violation of a State criminal trespass law. Such provisions are difficult to enforce, and publication of critical habitat descriptions and maps would make *L. occidentale* more vulnerable to collection and increase enforcement problems. All involved parties and landowners have been notified of the location and importance of protecting this species' habitat. Protection of the species' habitat will be addressed through the recovery process, and the application of the jeopardy standard through the section 7 consultation process. Therefore, the Service finds that designation of critical habitat for this species is not prudent at this time because such designation would increase the degree of threat from collecting or other human activities.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for land acquisition and cooperation with the States and requires that recovery actions be carried out for

all listed species. Such actions are initiated by the Service following listing. The protection required by Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of such a species. If an action may affect a listed species, the Federal agency must enter into formal consultation with the Service.

The U.S. Army Corps of Engineers would become involved with this plant species, if it is listed, through its permitting authority as described under section 404 of the Clean Water Act. By regulation, permits may not be issued where a federally listed endangered or threatened species may be affected by the proposed project without first completing formal consultation pursuant to section 7 of the Endangered Species Act. The presence of a listed species would highlight the national importance of these resources. In addition, insurance of housing loans by the Department of Housing and Urban Development in areas that presently support *L. occidentale* would be subject to review by the Service under section 7 of the Act.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 for endangered plant species set forth a series of general prohibitions and exceptions that apply to all endangered plants. For *L. occidentale* all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale this species in interstate or foreign commerce or to remove and reduce to possession the species from areas under Federal jurisdiction; maliciously damage or destroy any listed plant on any area under Federal jurisdiction; or remove, cut, dig up, damage or destroy listed plants on any other area in knowing violation of any State law or regulation, or in the course of any violation of a State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies.

The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. It is anticipated that trade permits might be sought because the species is in cultivation and is very rare in the wild.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203-3507 (703/358-2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule, are hereby solicited. Comments are particularly sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *L. occidentale*;

(2) The location of any additional populations of *L. occidentale* and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *L. occidentale*.

Any final decision on this proposal to list *L. occidentale* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, U.S. Fish and Wildlife Service, Boise Field Office (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, or Environmental Impact Statement, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References

Ballantyne, O. 1980. A preliminary study of *Liliums bolanderi, occidentale, vollmeri* and *wigginsii*. United States Department of the Interior, Fish and Wildlife Service, Endangered Species Division, Portland, OR. 162 pp.

Imper, D., J.O. Sawyer, S. Carlson, and G. Hovey. 1987. Management plan for the Table Bluff Ecological Reserve, Humboldt County, California. California Department of Fish and Game, Arcata, CA.

Purdy, C. 1897. New west American lilies. Erythrea 5:103-105.

Schultz, S.T. 1989. Status report on *Lilium occidentale* Purdy. Endangered Species Program, Plant Division, Oregon State Department of Agriculture, Salem, OR.

Siddall, J.L. and K.L. Chambers. 1978. Status report for *Lilium occidentale*. Unpublished report, Oregon Rare and Endangered Plant Project, Lake Oswego, OR.

Authors

The primary author of this proposed rule is Helen Ulmschneider, U.S. Fish and Wildlife Service, Boise Field Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Liliaceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
* * *	* * *	*		*	*	
Liliaceae—Lily family:						
* * *	* * *	*		*	*	
Lilium occidental	Western lily	U.S.A. (OR, CA)	E		NA	NA
* * *	* * *	*		*	*	

Dated: October 6, 1992.

Bruce Blanchard,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 92-25920 Filed 10-23-92; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 57, No. 207
Monday, October 26, 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

Farmers Home Administration

Redelegation of Authority Regarding Debt Settlement/Release of Liability Cases in Excess of $1,000,000

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of redelegation of authority.

SUMMARY: All debt settlement/release of liability cases in excess of $1,000,000 (including principal, interest, and other charges) must be submitted to the National Office for approval by the Administrator. The Administrator hereby gives notice of redelegation of authority regarding such cases to the Director, Large Loan Servicing Group.

EFFECTIVE DATE: October 16, 1992 through September 30, 1993.

FOR FURTHER INFORMATION CONTACT: Joe O'Leska, Director, Large Loan Servicing Group, Farmers Home Administration, USDA, room 2905, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. Telephone (202) 690-1299.

SUPPLEMENTARY INFORMATION:

Programs Affected

This action affects the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.428 Economic Emergency Loans

The notice of the redelegation of authority regarding debt settlement/release of liability cases reads as follows:

Pursuant to the authority delegated to me as Administrator of the Farmers Home Administration, I hereby redelegate to the Director, Large Loan Servicing Group, the authority to review all debt settlement/release of liability cases in excess of $1,000,000 (including principal, interest and other charges) referred to the National Office by State Directors, and in connection with such review and at your discretion and in your professional judgement to: (1) Reject such requests for debt settlements and releases of liability without further review by this office (subject to any Right of Appeal provided under law); or (2) to return any and all such requests to the respective State Director in the event you determine that additional information is necessary to support such a request.

This authority does not extend to debt settlement of Nonprogram Loans, Economic Opportunity Loans and third party converters. In addition, this authority does not contravene the authority delegated to State Directors to Approve/Reject debt settlements/releases of liability in cases of less than $1,000,000 as contained in the unnumbered letter dated September 11, 1992 (57 FR 43688 dated September 22, 1992).

Nothing contained herein shall be construed to grant delegated authority to approve requests for debt settlement/release of liability in cases in excess of $1,000,000.

This redelegation of authority shall be effective through September 30, 1993, unless revoked, extended or otherwise modified in writing prior to such date.

Dated: October 16, 1992.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 92-25839 Filed 10-23-92; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1992 Survey of Women-Owned Businesses.

Form Number(s): WB-1.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 12,500 hours.

Number of Respondents: 50,000.

Avg Hours Per Response: 15 minutes.

Needs and Uses: The Bureau of the Census will conduct the 1992 Survey of Women-Owned Businesses (WOB) as part of the 1992 Economic Censuses. We will collect data on the ownership characteristics of a sample of businesses to determine which are owned by women. Federal, state, and local governments use WOB statistics as a framework for assessing and directing programs designed to promote the activities of disadvantaged groups.

Affected Public: Businesses or other for-profit organizations.

Frequency: Every 5 years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 19, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92-25854 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-07-F

Bureau of Export Administration

Materials Technical Advisory Committee; Partially Closed Meeting

A meeting of the Materials Technical Advisory Committee will be held November 19, 1992, 10:30 a.m., Herbert C. Hoover Building, rm. 1617-M4, 14th Street & Pennsylvania Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to materials or technology.

Agenda: General Session

1. Opening remarks by the Chairman.
2. Introduction of members and visitors.
3. Presentation of papers or comments by the public.
4. Status report from the Office of Foreign Availability regarding study of fluorinated silicones.
5. Discussion of Foreign Policy report and effectiveness of controls.
6. Discussion of TAC review of proliferation controls and proposal for attendance at Australia Group meetings.

Executive Session

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

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, presentation materials should be forwarded two weeks prior to the meeting to the address below: Ms. Lee Ann Carpenter, TSS/EA/BXA Room 1621, U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on May 1, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call (202) 482-2583.

Dated: October 19, 1992.

Betty A. Ferrell,

Director, TAC Unit.

[FR Doc. 92-25915 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DT-M

MCTL Implementation Technical Advisory Committee; Open Meeting

A meeting of the MCTL Implementation Technical Advisory Committee will be held November 19, 1992, 9:30 a.m., in the Herbert C. Hoover Building, room 1617 M-2, 14th Street & Pennsylvania Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis on the incorporation of the Militarily Critical Technologies List (MCTL) into the Export Administration Regulations.

Agenda

1. Opening remarks by the Chairman.
2. Introduction of members and visitors.
3. Presentation of papers and comments by the public.
4. Discussion of 1993 workplans.
5. Follow-up discussion on export control principles, specifically, exports destined for certain end users.
6. Report on TAC Chairmen's Meeting, including discussion on restructuring of the TACs.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, TSS/ODAS-EA/BXA, room 1621, U.S. Department of Commerce, Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482-2583.

Dated: October 20, 1992.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 92-25914 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DT-M

Subcommittee on Export Administration of the President's Export Council; Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration will be held November 17, 1992, 10 a.m. at the U.S. Department of Commerce, Herbert C. Hoover Building, room 4830, 14th and Constitution Avenue, NW., Washington, DC. The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

General Session

Status reports by Task Force Chairmen, and update on Export Administration initiatives.

Executive Session

Discussion of matters properly classified under Executive Order 12356 pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Act of 1979, as amended.

A Notice of Determination to close meetings, or portions of meetings, of the Subcommittee to the public on the basis of 5 U.S.C. 522(c)(1) was approved September 27, 1991, in accordance with the Federal Advisory Committee Act. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC.

For further information, contact Ms. Betty A. Ferrell (202) 482-2583.

Dated: October 20, 1992.

James M. LeMunyon,

Acting Assistant Secretary for Export Administration.

[FR Doc. 92-25916 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-533-805]

Preliminary Determination of Sales at Less Than Fair Value: Sulfur Dyes, Including Sulfur Vat Dyes, From India

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

EFFECTIVE DATE: October 26, 1992.

FOR FURTHER INFORMATION CONTACT: Kimberly Hardin, Office of Antidumping Investigations, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-0371.

Preliminary Determination

We preliminarily determine that sulfur dyes, including sulfur vat dyes, from India are being, or likely to be, sold in the United States at less than fair value.

as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice. We also preliminarily determine that critical circumstances do not exist.

Case History

Since the notice of initiation on April 30, 1992 (57 FR 19600, May 7, 1992), the following events have occurred.

On May 26, 1992, the International Trade Commission (ITC) issued an affirmative preliminary determination.

On June 1, 1992, the Department presented its questionnaire to Atul Products Limited (Atul) and Hickson and Dadajee, Limited (Hickson) who, together, accounted for at least 60 percent of sales to the United States during the period of investigation (POI), in accordance with 19 CFR 353.42(b).

On June 12, 1992, Atul requested an extension for the submission of its response to Section A of the Department's questionnaire. We granted Atul the requested extension until June 24, 1992, on which it submitted a response to Section A of the questionnaire. On June 19, 1992, Hickson submitted a letter to the Department stating that it had not exported the subject merchandise to the United States during the POI.

On July 9, 1992, Atul requested an extension for the submission of its Sections B and C response of the Department's questionnaire. On July 9, 1992, we granted Atul the requested extension until July 20, 1992. On July 16, 1992, Atul requested an extension for the submission of portions of its Sections B and C response. On July 17, 1992, we granted Atul's July 16, 1992, extension request for the submission of portions of its B and C response until July 29, 1992.

On July 17, 1992, we issued a Section A deficiency response to Atul. On July 20, 1992, Atul submitted its Sections B and C response to the Department's questionnaire. On July 23, 1992, Atul requested an extension for the submission of its Section A deficiency response. On July 24, 1992, we granted Atul an extension for the submission of its Section A deficiency response until July 29, 1992. On July 29, 1992, Atul submitted the remaining portions of its Sections B and C response and its response to the Department's Section A deficiency letter.

On August 4, 1992, we issued a Sections B and C deficiency letter to Atul. On August 18, 1992, we received Atul's Sections B and C deficiency response. On August 20, 1992, Atul submitted the computer diskettes to its August 18, 1992, response.

On August 21, 1992, we requested sales information from two customers of one of Atul's customers. On August 31, 1992, we received a response from one customer of Atul's customer.

On August 21, 1992, petitioner requested a thirty-day postponement of the preliminary determination and submitted a sales below the cost of production (COP) allegation. On September 1, 1992, we postponed the preliminary determination in the above-referenced investigation until October 19, 1992 (57 FR 41125, September 8, 1992). Based on petitioner's August 21, 1992, sales below the COP allegation, we initiated a COP investigation on September 4, 1992. (See COP memorandum dated September 4, 1992.)

On September 17, 1992, we sent a letter to Hickson and Dadajee in order to arrange a verification of Hickson's questionnaire response. We notified Hickson that, if its response is not verified, for purposes of the final determination, the best information available may be used. On September 18, 1992, we contacted the U.S. consulate in Bombay, instructing that the U.S. consulate contact Hickson regarding verification. On September 22, 1992, Hickson informed the U.S. consulate in Bombay that they did not desire to participate in this investigation.

Possible Transshipment

Based on information submitted in Atul's Section A response and information submitted by petitioner, on July 2, 1992, we requested Atul and Hickson to provide information regarding possible transshipment of the subject merchandise. On July 13, 1992, Atul submitted its response to our July 2, 1992, transshipment questionnaire.

On July 31, 1992, we requested sales information from two of Atul's customers. On August 7, 1992, we received responses from Atul's two customers. On September 15, 1992, we requested further sales information from Atul, one of Atul's customers, and two customers of Atul's customer. On September 24, 1992, we sent questionnaires to Atul, a U.S. importer, and three European trading companies with reference to the issue of transshipments.

We have not yet received sufficient data to analyze possible transshipments for purposes of the preliminary determination.

Scope of Investigation

The merchandise subject to this investigation is sulfur dyes, including sulfur vat dyes. Sulfur dyes are synthetic, organic, coloring matter containing sulfur. Sulfur dyes are obtained by high temperature sulfurization of organic material containing hydroxy, nitro or amino groups, or by reaction of sulfur and/or alkaline sulfide with aromatic hydrocarbons. For purposes of this investigation, sulfur dyes include, but are not limited to, sulfur vat dyes with the following color index numbers: Vat Blue 42, 43, 44, 45, 46, 47, 49, and 50 and Reduced Vat Blue 42 and 43. Sulfur vat dyes also have the properties described above. All forms of sulfur dyes are covered, including the reduced (leuco) or oxidized state, presscake, paste, powder, concentrate, or so-called "pre-reduced, liquid ready-to-dye" forms. The sulfur dyes subject to this investigation are classifiable under subheadings 3204.15.10, 3204.15.20, 3204.15.30, 3204.15.35, 3204.15.40, 3204.15.50, 3204.19.30, 3204.19.40 and 3204.19.50 of the Harmonized Tariff Schedule of the United States (HTS). The HTS subheadings are provided for convenience and customs purposes. Our written description of the scope of this investigation is dispositive.

Period of Investigation (POI)

The POI is November 1, 1991, through April 30, 1992.

Such or Similar Comparisons

We have determined for purposes of the preliminary determination that the product covered by this investigation comprises a single category of "such or similar" merchandise. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of: (1) Category (*i.e.*, conventional or vat); (2) color; (3) color index number; (4) type; (5) form; and (6) strength. We made adjustments for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisons

To determine whether sales of sulfur dyes, including sulfur vat dyes, from India to the United states were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

For Atul, we based USP on purchase price, in accordance with section 772(b) of the Act, because the subject

merchandise was sold to unrelated purchasers in the United States prior to importation and because exporter's sales price methodology was not otherwise indicated.

We calculated purchase price based on packed c.i.f. prices to unrelated customers. We made deductions, where appropriate, for foreign inland freight, foreign brokerage and handling, ocean freight, and marine insurance.

In accordance with section 772(d)(1)(C) of the Act, we added to the USP the amount of the Central Excise Tax and Sales Tax that would have been collected if the merchandise had not been exported.

Finally, in accordance with section 772(d)(1)(B) of the Act, we made an addition to USP for an import duty which was rebated or not collected by reason of exportation.

Foreign Market Value

In order to determine whether there were sufficient sales of sulfur dyes, including sulfur vat dyes, in the home market to serve as a viable basis for calculating FMV for Atul, we compared the volume of home market sales of sulfur dyes, including sulfur vat dyes, to the volume of third country sales of the same products, in accordance with section 773(a)(1)(B) of the Act. Atul had a viable home market with respect to sales of sulfur dyes, including sulfur vat dyes, during the POI.

Petitioner alleged that Atul was selling in the home market at prices below the COP. Based on petitioner's allegation, we requested data on the production costs of Atul. Atul's cost data were not submitted in time to be considered for the preliminary determination. However, Atul's submitted cost data will be examined at verification and will be analyzed for purposes of our final determination.

In accordance with 19 CFR 353.58, we compared U.S. sales to home market sales made at the same level of trade, where possible.

We calculated FMV based on packed ex-factory prices charged to unrelated customers in the home market. We deducted the quantity discount expense from the home market price. We deducted a cash discount from home market sales that met the cash discount terms. We deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(1) of the Act.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments, where appropriate, for differences in credit expenses. We recalculated home market and U.S. credit expenses using as the credit period the time between the date of shipment and date of payment and the interest rate in effect during the POI, as reported in Atul's response. We calculated home market credit expense on gross price less discounts. We recalculated home market credit expense, using the average credit period, on those sales for which payment had not been received as of the filing of the August 18 deficiency response. We did not deduct the cash discount from these sales because the calculated average credit days for these sales exceeded the credit terms reported for these sales. We deducted the advertising expense from the home market sales price.

We did not deduct the claimed warehousing expense from Atul's home market gross unit price as a direct selling expense since this expense appears to be a pre-sale warehousing expense as opposed to a post-sale warehousing expense. Further, Atul has not adequately shown that the warehousing expense is directly related to sales.

We made an upward adjustment to the tax-exclusive home market prices for the taxes we computed for USP. Further, we made an adjustment for physical differences in the merchandise, where appropriate, in accordance with 19 CFR 353.57.

Finally, in accordance with section 353.56(b)(1) of the Department's regulations, we deducted commissions from the home market prices and added U.S. indirect selling expenses to home market price capped by the amount of home market commissions.

We are currently investigating the possibility of sales of Indian sulfur dyes to the United States via third countries. We will make a determination regarding these alleged sales for purposes of the final determination.

As noted in the "Case History" section of this notice, Hickson informed the U.S. consulate in Bombay that they did not desire to participate in this investigation. Accordingly, for purposes of the preliminary determination, in accordance with section 776(c) of the Act, we used the best information available (BIA) when calculating the rate for Hickson.

In determining what rate to use as BIA, the Department follows a two-tiered methodology, whereby the Department may assign lower rates for those respondents who cooperated in an investigation and rates based on more adverse assumptions for those respondents who did not cooperate in an investigation. See, *e.g.*, Final Determination of Sales at Less Than Fair Value: Aspheric Ophthamoscopy Lenses from Japan, 57 FR 6703, 6704 (February 27, 1992). According to the Department's two-tiered BIA methodology outlined in the Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany, Italy, Japan, Romania, Sweden, Thailand, and the United Kingdom, 54 FR 18992, 19033 (May 3, 1989), when a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's investigation, it is appropriate for the Department to assign to that company the higher of 1) the margin alleged in the petition, or 2) the highest calculated rate of any respondent in the investigation. The dumping margin calculated for Atul was lower than the Department's recalculated petition rate of 17.55 percent which was used for purposes of initiation. Therefore, as BIA, the dumping margin assigned to Hickson for purposes of this preliminary determination is 17.55 percent.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, we will verify the information used in making our final determination.

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of sulfur dyes, including sulfur vat dyes, from India. Section 733(e)(1) of the Act provides that critical circumstances exist if we determine that there is a reasonable basis to believe or suspect that:

(A) (i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) There have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

In determining history or importer knowledge of dumping, we normally consider either an outstanding antidumping order in the United States or elsewhere on the subject merchandise, or margins of 25 percent or

more as sufficient to impute knowledge of dumping under section 733(e)(1)A) of the Act. See, *e.g.*, Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China, 56 FR 241 (January 3, 1991.)

Pursuant to 19 CFR 353.16(f), we generally consider the following factors in determining whether imports have been massive over a short period of time: (1) The volume and value of the imports; (2) Seasonal trends (if applicable); and (3) The share of domestic consumption accounted for by imports. If imports during the period immediately following the petition increase by at least 15 percent over imports during a comparable period immediately preceding the filing of a petition, we consider them massive.

Since there are no outstanding dumping orders on sulfur dyes, including sulfur vat dyes, from India, and the preliminarily-determined dumping margin for Atul and Hickson and Dadajee is less than 25 percent, we cannot impute knowledge under section 773(e)(1)(A) of the Act for these companies. Because we cannot impute knowledge of dumping, we need not examine whether there have been massive imports. Therefore, in accordance with section 773(e)(1)(A) of the Act, we preliminarily determine that, for Atul and Hickson, there is no reasonable basis to believe or suspect that critical circumstances exist with respect to import of the subject merchandise from India.

With respect to firms covered by the "All Other" rate, because the dumping margin is insufficient to impute knowledge of dumping, and because we have not determined that imports of sulfur dyes, including sulfur vat dyes, have been massive over a relatively short time, we preliminarily determine that there is no reasonable basis to believe or suspect that critical circumstances exist for those firms.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of sulfur dyes, including sulfur vat dyes, from India that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
Atul Products Limited	2.69
Hickson and Dadajee Limited	17.55
All Others	10.12

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than December 7, 1992, and rebuttal briefs no later than December 9, 1992. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to give interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on December 14, 1992, at 9:30 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(a)(4).

Dated: October 19, 1992.

Rolf Th. Lundberg, Jr.,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-25918 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-831-802, A-832-802, A-822-802, A-833-802, A-841-802, A-843-802]

Final Determination of Sales at Not Less Than Fair Value: Uranium from Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan

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

EFFECTIVE DATE: October 26, 1992.

FOR FURTHER INFORMATION CONTACT: Lawrence P. Sullivan or Carole A. Showers, Investigations, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0114 or 482-3217, respectively.

Final Determinations

The Department of Commerce (the Department) determines that uranium from Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan is not being, nor is it likely to be, sold in the United States at less than fair value (LTFV), as provided for in section 735 of the Act.

Case History

Since the publication of our preliminary determinations in the **Federal Register** on June 3, 1992, (57 FR 23380), the following events have occurred.

Pursuant to a request made by petitioners, the Department postponed the final determinations for these investigations until October 16, 1992 (57 FR 30946, July 13, 1992).

On July 27, 1992, we received a fax from the Ministry of Foreign Affairs of Belarus stating that Belarus did not export uranium to the United States in 1991.

On August 11, 1992, we received via the State Department a certified questionnaire response from Armenia stating that Armenia did not produce, export, or stockpile uranium during the POI.

On September 21, 1992, we received briefs from petitioners; V/O Techsnabexport (Tenex), Nuexco Trading Corporation (Nuexco), Global Nuclear Services and Supply (GNSS), and Energy Fuels Nuclear (EFN) (collectively referred to herein as Tenex); and the Yankee Group. We received rebuttal briefs from these parties on September 28, 1992.

On September 25, 1992, the United States Court of International Trade (CIT) sustained the Department's decision to continue these investigations against each of the twelve constituent

republics of the former Union of Soviet Socialist Republics (USSR).

On October 13, 1992, Homestake Mining Company withdrew as a petitioner in these investigations.

On October 16, 1992, the Department signed suspension agreements with the Governments of the Russian Federation, Ukraine, Kazakhstan, Uzbekistan, Kyrgyzstan, and Tajikistan.

Scope of the Investigation

We have determined that the merchandise covered by these investigations constitutes one class or kind of merchandise (*see DOC Position* to *Comment 2*, below). We have further determined that highly enriched uranium (HEU) is included in the scope of these investigations. For the Department's rationale regarding this issue, see Memorandum to Alan M. Dunn from Francis J. Sailer dated October 16, 1992, and *DOC Position* to *Comment 3*, below. The above-referenced memorandum and all other memoranda cited in this notice can be found in the public file in the Central Records Unit, room B099 of the Main Commerce Building.

The merchandise covered by these investigations includes natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in U^{235} and its compounds; alloys, dispersions (including cermets) ceramic products, and mixtures containing uranium enriched in U^{235} or compounds of uranium enriched in U^{235}. The uranium subject to these investigations is provided for under subheadings 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50.00, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, and 2844.20.00.50, of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

Periods of Investigation

The periods of investigation (POI) is June 1 through November 30, 1991.

Non-Producing/Exporting Republics

With respect to Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan, we received responses either directly or through our embassies in those countries, which informed us that they were not producers or exporters of uranium. Consequently, we issued negative preliminary determinations with respect to these countries. Based on information submitted by petitioners and sourced from a Central Intelligence Agency publication (The Soviet Energy Atlas, January 1985), Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan do not mine or produce uranium. In addition, the responses received indicate that these countries do not produce, export, or stockpile uranium.

With respect to Belarus, petitioners have argued that the Department should issue an affirmative determination with respect to this country if HEU is found to be within the scope of this investigation, because Belarus possesses nuclear weapons which contain HEU and may also stockpile this material. We have received information from the U.S. Department of State regarding the disposition of HEU in Belarus (see Memorandum to Larry Sullivan from Debra L. Cagan dated October 14, 1992). The State Department has determined that the only HEU located in Belarus is contained in the nuclear weapons on its soil and that no evidence exists which would suggest that there are any stockpiles of HEU in Belarus. In addition, Belarus has no capacity to produce HEU. The State Department also addressed the obligations of Belarus, with respect to HEU, under certain treaties and agreements. Belarus is a party to the START Treaty and has guaranteed the elimination (removal) of all nuclear strategic offensive arms located in its territory. In addition, Belarus has obligated itself to become a non-nuclear weapon state under the Lisbon Protocol which means that all nuclear weapons in Belarus, and hence all HEU, will be transferred to the Russian Federation. In a separate treaty with the Russian Federation, Belarus agreed that these weapons would be removed to the Russian Federation for dismantlement.

Therefore, we have determined that Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan did not produce, export or stockpile uranium during the POI. Consequently, we are issuing negative final determinations with respect to those countries.

Interested Party Comments

All written comments submitted by the interested parties in these investigations which have not been previously addressed in this notice are addressed below. For those comments regarding, *inter alia*, foreign market value, United States price, surrogate country selection, and best information available, we have not included those comments herein because they do not apply to the investigations with respect to Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan. Additionally, we did not consider the comments submitted by interested parties in those investigations which were suspended.

Comment 1—Continuation of Investigation

Tenex asserts that the Department has improperly transformed its single investigation of uranium imports from the USSR into separate investigations of such imports from each of the newly independent states (NIS) of the former USSR. Specifically, Tenex asserts the following: (1) The International Trade Commission's (ITC) preliminary injury determination with respect to uranium imports from the USSR does not support the Department's preliminary determinations or its order to suspend liquidation of entries of such imports from the NIS; (2) the Department issued its preliminary determinations without properly initiating investigations with respect to uranium imports from the NIS; (3) the record contains no factual information sustaining investigations of or supporting determinations of LTFV sales of uranium imports from the Russian Federation; and (4) the Department has failed to make a separate fair value comparison for the Russian Federation. Each of these, according to Tenex, results in a violation of the antidumping law and is legally invalid.

Petitioners claim to have demonstrated in various submissions to the Department and the CIT that antidumping investigations proceed against unfairly traded merchandise, not the "countries" in which the merchandise is produced or from which it is exported. They argue that the statutory mandate that imports of unfairly traded merchandise be investigated and, if appropriate, antidumping duties imposed, does not disappear because of political changes in the territory in which the merchandise is produced or exported. The Department's determination not to terminate its investigations, and the CIT's affirmation of that determination, were proper. See *Techsnabexport, Ltd., et al.* v. *United States*, Slip Op. 92-166 (CIT, September 25, 1992).

DOC Position

On September 25, 1992, in *Techsnabexport, Ltd., supra*, the CIT confirmed that the Department had the legal authority to continue these investigations against the NIS of the former USSR. The basis for the

Department's decision is described below.

First, there is no requirement in the antidumping law that an ongoing investigation be rescinded when the country named in the petition ceases to exist. This is not to say that there are no geographical aspects to an antidumping order. Indeed, Commerce and the ITC make determinations regarding LTFV sales and injury concerning merchandise produced within certain geopolitical boundaries. When an order is issued or an investigation initiated, merchandise produced within such boundaries is subject to the order or investigation unless expressly excluded from it.

Second, Congress did not consider the possibility of the dissolution of a country during an antidumping duty investigation. Therefore, it was the Department's task to determine what Congress would have intended, had it considered such a situation. The effect of terminating a case, based on the dissolution of the country named in the petition, would be to create a gap in the coverage of the antidumping law. The newly emerging states would be able to dump with impunity until sufficient information developed for the petitioners to file new petitions. Because the purpose of the antidumping duty law is to provide the U.S. domestic industry relief from injuriously dumped merchandise, the Congress could not have intended for the law to be interpreted to create a gap in the law's coverage which would effectively prevent the U.S. domestic industry from obtaining relief for a certain period of time.

Comment 2—Class or Kind

Tenex and the Yankee Group contend that the Department should find three separate classes or kinds of merchandise. Tenex bases its statement on Department precedent and the 1983 CIT decision in *Diversified Products Corp* v.*United States* 6 CIT 155, 572 F. Supp. 883 (Ct. Int'l Trade 1983) (Diversified) which established certain criteria. Tenex alleges that the Department misapplied the Diversified criteria in the preliminary determinations when it found that there was only one class or kind of merchandise.

In support of their arguments, both Tenex and the Yankee Group cite Final Determination of Sales at Less Than Fair Value: Cyanuric Acid and its Chlorinated Derivatives From Japan Used in the Swimming Pool Trade (Cyanuric Acid), 49 FR 7424, (February 29, 1984), where the Department found three separate classes or kinds of merchandise. The Yankee Group posits that each of the three products subject to the Cyanuric Acid investigation had different end uses even though two of the products were derivatives of the third. The situation in uranium is analogous in that concentrates are the raw material used to produce uranium hexafluoride (UF_6) and low enriched uranium (LEU). They also argue that the ultimate consumers and the ultimate use for all three products in Cyanuric Acid were the same. In this case, utilities are the ultimate customers and the ultimate use is fuel for their nuclear reactors. Similarly, the raw materials in both cases cannot perform the end uses that the derivatives are able to perform. Therefore, the logic in Cyanuric Acid can be extended to this case.

With respect to physical characteristics, the Yankee Group argues that the Department's reasoning is flawed. Despite the fact that all three forms of uranium share a common fundamental attribute, the U^{235} isotope, they can still be determined to constitute separate classes or kinds of merchandise. The concentration levels of the U^{235} isotope vary greatly between uranium concentrates and UF_6, on the one hand, and LEU, on the other hand. In Cyanuric Acid, all of the products shared the fundamental attribute of chlorine. The differences in the chlorine levels of the derivative products in Cyanuric Acid were less than the different concentration levels of U^{235}.

Further, the Yankee Group contends that petitioners' analysis concerning physical differences is inaccurate and misleading and should be rejected. The physical differences between the various forms of uranium are significant. Petitioners' emphasis on the common presence of the U^{235} isotope ignores the different chemical structures and physical properties between concentrate, UF_6, and LEU. The Department found three classes or kinds of merchandise in Cyanuric Acid based on the fact "that the chemical compositions of these products are distinct." Considering the different chemical compositions between the three forms of uranium, the Department should make a finding of three separate classes or kinds.

With respect to the different uses for these products, the Yankee Group argues that the Department may only find a single class or kind of merchandise when the raw material has "no other use than for" producing the derivative product (see, *e.g.*, 3.5" Microdisks and Coated Media Thereof from Japan, 54 FR 6,433, 6,434, February 10, 1989). In this case, concentrates and UF_6 are the raw materials used in producing LEU which is used as a feedstock for light-water nuclear reactors. Concentrates are also used in the glass industry, specialty metals industry, the manufacture of fuel for heavy-water reactors, plutonium production for nuclear weapons, and in producing uranium tetrafluoride. The Department should reconsider its decision and assign greater weight to the different uses for concentrates and UF_6.

With respect to end users, the Yankee Group asserts that uranium purchasers and their expectations differ greatly. Purchasers of uranium range from utility companies to brokers and traders to converters to enrichers to governmental entities. Purchaser expectations vary with the end use and costs associated with conversion and enrichment.

Finally, with respect to channels of trade, the Yankee Group states that concentrates, UF_6, LEU are distributed, stored, and shipped differently. Therefore, they are sold in distinct channels of trade.

Petitioners assert that the Department correctly determined in its preliminary determinations that all forms of uranium constitute one class or kind of merchandise. This decision, they contend, is supported by the application of the criteria set forth in *Diversified* and *Kyowa Gas Chemical Industry Co., Ltd.* v. *United States* 7 CIT 138, 582 F. Supp. 887 (Ct. Int'l Trade 1984). The ultimate use, expectations of the ultimate purchasers, essential physical characteristics, and channels of trade are the same for all forms of uranium. Moreover, the similarity of the relative costs of the different forms requires a finding of one class or kind of merchandise. The ultimate use for all forms of uranium is as commercial nuclear fuel. This includes HEU previously committed to weapons programs whose only application today is as feed material to produce LEU and then commercial nuclear fuel. All forms of uranium are purchased with the expectation of its use as commercial fuel. Limited processing is required to produce LEU from HEU. All forms of uranium share the same essential physical attribute—the UF^{235} isotope. Lastly, the channels of trade are the same for each form of uranium. Therefore, all forms of uranium are one class or kind or merchandise.

DOC Position

The Department disagrees with the Yankee Group and Tenex. Cyanuric Acid differs from the present situation in that the different chemical compositions

of the three products in Cyanuric Acid resulted in three distinct end uses. While these uses were all related to the swimming pool trade, each of the derivatives of cyanuric acid could be used independently. Despite the different physical characteristics of uranium concentrates, UF_6, and LEU, concentrates and UF_6 have virtually no other use than as inputs in the production of LEU which is in turn used as feedstock in nuclear reactor fuel assemblies. The only physical characteristic that is of consequence is the concentration level of the U^{235} isotope. Consumers of concentrates and UF_6 purchase these products only with a view to increasing the concentration level of the U^{235} isotope to obtain LEU. The ITC preliminary determined that the subject merchandise constitutes one like product based on the ITC's semi-finished product analysis. Consistent with that concept, we find there to be a direct line of production from concentrates through the fuel assemblies, *i.e.*, the concentrates and UF_6 can be treated as semi-finished products, whereas the two derivatives of cyanuric acid are produced independent of one another. This is the critical difference between Cyanuric Acid and these cases.

The Yankee Group's analysis regarding the marginal uses of concentrates misses the mark. Every product has alternative uses or the potential for alternative uses. For purposes of a class or kind analysis, it is the Department's responsibility to determine not the number of alternative uses but rather the significance of any or all of those alternatives. According to the ITC preliminary determination, less than one percent of uranium concentrate consumption is used other than for the production of nuclear fuel. Therefore, while the Yankee Group may provide a list of several alternative uses of concentrates, the significance of these uses is minimal. It is proper, then, for the Department to analogize these cases with the Final Determination of Sales at Less Than Fair Value: Certain Forged Steel Crankshafts from the Federal Republic of Germany, 52 FR 28170, (July 28, 1987), in which the Department found there to be one class or kind of merchandise based, *inter alia*, on the fact that unmachined crankshafts have no other use than for machining into finished crankshafts.

In addition, as petitioners point out, the expectations of the ultimate purchaser (the electric utilities) is the same for all forms of uranium, *i.e.*, for eventual production into nuclear fuel assemblies for use in nuclear reactors. Contrary to the assertions of the Yankee group, the channels of trade for all uranium products are the same. While traders and brokers participate in the market in addition to utilities, all uranium is mined and milled, then shipped to a conversion facility for conversion into UF_6, then to an enrichment facility, then to a fuel fabricator, then to the ultimate customer—utilities. (For a more detailed discussion of this issue, see Memorandum to Francis J. Sailer from Team, dated May 27, 1992.) For the Department's position with respect to HEU, see *DOC Position* to *Comment 3*, below.

Comment 3—Class of Kind: HEU

Petitioners argue that contrary to the Department's preliminary scope determination, HEU is within the scope of the investigations and is the same class of kind of merchandise as the other forms of uranium subject to these investigations. The petition unequivocally covers uranium in all of its forms and the Department's notice of initiation included all "uranium enriched in U^{235} and its compounds." According to petitioners, any exclusion of HEU from these investigations will severely compromise the relief to which they are entitled under the statute.

Petitioners hold that arguments proffered by Tenex and the Russian Federation on this issue are not persuasive and should be rejected. Specifically, unlike the case cited by the Russian Federation and Tenex, *Smith Corona Corp.* v. *United States*, Slip Op. 92-104 Ct. Int'l Trade (July 10, 1992), the petition included all forms of uranium, the Department initiated on all forms of uranium, and respondent expressly stated that it understood that all forms of uranium were included in the scope. Even Smith Corona, however, would not preclude the Department from amending the scope of these investigations. The court did not state that the Department may not redefine the scope of an investigation after a preliminary determination.

Petitioners also state that the comments of the DOE on this issue are factually and legally insupportable. Moreover, DOE's comments illustrate that HEU and other forms of uranium are physically similar and commercially interchangeable. Petitioners allege that the DOE failed to explain that it was engaged in negotiations to import HEU from the Russian Federation to be blended down for use in commercial reactors and that the DOE misled the Department by implying that military application constituted the only significant use for HEU.

Tenex agrees with the Department's preliminary determination that HEU is not within the scope of the investigations. Tenex disagrees with petitioners' claim that the Department included HEU in its initiation merely because HEU was not specifically excluded. Petitioners' subsequent efforts to include HEU within the scope of these investigations not only are untimely, but reflect their determination to make the results of this determination as devastating as possible to the NIS, regardless how illegal, illogical, and unfair such results would be. Tenex insists that petitioners not be allowed to amend the petition to include HEU within the investigations.

Tenex also agrees with DOE's May 19, 1992, letter identifying natural uranium and LEU as a single class or kind of merchandise and HEU as a separate class or kind of merchandise. The radically different physical characteristics, end uses, expectations of the ultimate purchasers, channels of trade, and notably higher production costs make these products distinct from one another. While HEU is capable of sustaining a nuclear reaction of a magnitude that renders it uniquely capable of being used in nuclear weapons, a distinctly military application, LEU can only sustain reactions in light-water commercial nuclear reactors.

Tenex argues that HEU has uses that are totally unique to that product. HEU is typically used as a weapons grade nuclear fuel, a use which is not shared by any of the other uranium products. Although HEU can be blended down to produce LEU, its primary use is almost exclusively as a weapons-grade nuclear fuel. HEU and LEU have radically different physical characteristics, *i.e.* differing concentrations of the U^{235} isotope. HEU and LEU radically differ in cost as well. HEU costs nearly eight times as much. These differences, in addition to their different ultimate uses, compel a finding that HEU and LEU are separate classes or kinds of merchandise.

The Yankee Group argues that LEU and HEU are the same class or kind of merchandise, and should be excluded from these investigations. As confirmed by the recent agreement between the United States and the Russian Federation to import HEU and blend it down to LEU for use in nuclear reactors, the end use, expectations, and distribution channels of both LEU and HEU are the same. Since the Department has treated HEU and LEU interchangeably and excluded HEU from

its investigations, LEU should also be excluded.

DOC Position

The Department agrees with petitioners. Because the uses of HEU have changed only recently and because HEU was not expressly excluded from the petition, neither the petition nor the ITC and Department determinations previously rendered provide a definitive answer as to whether HEU is within the scope of these investigations. Therefore, application of the Diversified criteria is necessary. As explained in greater detail in Memorandum to Alan M. Dunn from Francis J. Sailer dated October 16, 1992, the general physical characteristics, ultimate use and expectations on the ultimate purchaser indicate that HEU should be considered as part of the same class or kind of merchandise as LEU, UF_6, and concentrate. Channels of trade and cost differences are neither very indicative or useful in this analysis.

Suspension of Liquidation

Because this is a determination of sales at not less than fair value, we are not directing the U.S. Customs Service to suspend liquidation with respect to Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determinations.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.35(d). Failure to comply is a violation of the APO.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)) and (19 CFR 353.20(a)(4)).

Dated: October 16, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-25917 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DS-M

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on November 19, 1992. The meeting will be from 2 p.m. to 4 p.m. in the 15th Floor Conference Center at the office of KPMG Peat Marwick, 599 Lexington Avenue, New York, NY 10022.

The Committee advises Department of Commerce officials on textile and apparel export issues.

Agenda: The implementation of the North American Free Trade Agreement (NAFTA), conditions in the export market, review of Office of Textiles and Apparel export expansion activities, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/482-5155).

Dated: October 20, 1992.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-25853 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DR-F

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, DOC.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the final evaluation findings for the Virginia and Delaware Coastal Management Programs and the Elkhorn Slough (California) National Estuarine Research Reserve. Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires a continuing review of the performance of states with respect to coastal management and the operation and management of national estuarine reserves.

The States of Virginia and Delaware were found to be generally adhering to their Federally-approved coastal management programs and the terms of their financial assistance awards. The State of California was found to be generally adhering to Federal program goals, the Federally-approved Elkhorn Slough NERR management plan, and the terms of its financial assistance awards. Several necessary actions and program suggestions were recommended to improve the Virginia and Delaware Coastal Management Programs and the Elkhorn Slough National Estuarine Research Reserve.

Copies of these final findings may be obtained upon request from: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235, (202) 606 -4100.

Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration.

Dated: October 19, 1992.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 92-25909 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-08-M

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, DOC.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Sapelo Island (Georgia) and Narragansett Bay (Rhode Island) National Estuarine Research Reserves (NERRs).

The evaluation will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, which requires a continuing review of the performance of programs under the CZMA. Evaluation of national estuarine research reserve requires findings concerning the extent to which a state has carried out the reserve management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA. Each review includes a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting(s) is held as part of the site visit.

The site visits for the Sapelo Island and Narragansett NERRs will be December 7 through 11, 1992. Public meetings will be held on the following dates and locations: Wednesday, December 9, 1992, 7 p.m., at the Ida Hilton Public Library, U.S. Highway 17, Darien, Georgia; and Tuesday, December 8, 1992, 1 p.m., at the Sawyer Memorial Hall, Narragansett Street, Prudence Island, Rhode Island.

The reserves will issue notices of the public meetings in local newspapers at

least 45 days prior to being held and will issue other timely notices as appropriate.

Copies of the reserves' most recent performance reports, as well as OCRM's notification and supplemental request letter to the reserves, are available upon request from OCRM. Written comments from interested parties regarding these reserves are encouraged at this time and will be accepted until seven days after the site visit. Director written comments to Vickie Allin, Chief, Policy Coordination Division, at the address listed below. When final evaluation findings are completed, OCRM will place a notice in the **Federal Register** announcing their availability.

FOR FURTHER INFORMATION CONTACT: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235, (202) 606-4100.

Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration.

Dated: October 19, 1992.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 92-25908 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-08-M

Pacific Fishery Management Council (Council); Pacific Groundfish Hearing

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

ACTION: Notice of public hearing.

SUMMARY: The Council will convene a public hearing on proposed Amendment 7 to the Pacific Groundfish Fishery Management Plan. Amendment 7 would authorize establishment of management measures to control bycatch of salmon and other non-groundfish species in the groundfish fishery. Under the proposed authority, the Council would recommend specific regulations for 1993 and beyond. The initial regulations may be similar to those in effect for the Pacific whiting fishery in 1992. Copies of the proposed amendment, including the environmental assessment, will be available at the hearing or on request from the Council office.

DATES: The hearing is scheduled to begin at 7 p.m., local time, on November 9, 1992. The Council will take additional public comments on this issue at its upcoming meeting the week of November 16, prior to taking final action. This hearing is open to everyone.

ADDRESSES: The hearing will be held on Monday, November 9, 1992, at the Red Lion Inn, 1929 Fourth Street, Eureka, CA 95501, telephone (707) 445-0844. Send written comments to Pacific Fishery Management Council, 2000 SW First Avenue, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 1000 SW. First Avenue Portland, OR 97201, telephone (503) 326-6352.

Dated: October 20, 1992.

David S. Crestin,

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

[FR Doc. 92-25847 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council (Council) and its Committees will meet on November 16-19, 1992, at the Holiday Inn Sarasota Longboat Key, 4949 Gulf of Mexico Drive, Longboat Key, FL; telephone: (813) 383-3771. The agenda is as follows:

Council

The Council will convene on November 18 at 8:30 a.m. and recess at 5 p.m. Council agenda items and the times allocated for discussion are as follows:

From 8:45 a.m. to 9 a.m.: Consider Committee Membership Appointments.

From 9 a.m. to 12:30 p.m.: Hear public testimony on draft Reef Fish Amendment #5 and Regulatory Amendment Actions relative to Mutton Snapper Measures, Stressed Area Boundaries, and Longline/Buoy Area Boundaries. (Note: Testimony cards must be turned in to staff *before* the start of public testimony); and

From 2 p.m. to 5 p.m.: Receive the Reef Fish Management Committee report.

The Council will reconvene at 8:30 a.m. on November 19 and continue with its agenda until adjournment at 12:30 p.m. The agenda is as follows:

From 8:30 a.m. to 10 a.m.: Continue the Reef Fish Management Committee report;

From 10 a.m. to 11:30 a.m.: Receive reports from the following Committees:

1. U.S. Coast Guard's Fishery Enforcement study (10 a.m. to 10:30 a.m.);
2. Personnel Committee (10:30 a.m. to 10:45 a.m.);
3. Budget Committee (10:45 a.m. to 11 a.m.);
4. Mackerel Management Committee (11 a.m. to 11:15 a.m.); and
5. Shrimp Management Committee (11:15 a.m.to 11:30 a.m.). *From 11:30 a.m. to 12:30 p.m.:* Receive a report of the International Commission for the Conservation of Atlantic Tunas Advisory Committee meeting held in Silver Spring, Maryland, on October 19, 1992, followed by Enforcement reports and Director's reports.

Committees

The Personnel Committee, the Budget Committee, the Mackerel Management Committee, the Law Enforcement Management Committee, and the Shrimp Management Committee will meet on November 16 from 1 p.m. until 5 p.m. Committee meetings will reconvene on November 17 at 8 a.m. with a meeting of the Reef Fish Management Committee, and will adjourn at 5 p.m.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL; telephone: (813) 228-2815.

Dated: October 20, 1992.

David S. Crestin,

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

[FR Doc. 92-25888 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, commerce.

The Gulf of Mexico Fishery Management Council will hold a public meeting of its Reef Fish Advisory Panel (AP) and its Standing and Special Reef Fish Scientific and Statistical Committee (SSC) on November 9-10, 1992, at the Landmark Hotel Metairie, 2601 Severn Avenue, Metairie, LA; telephone: (504) 881-9500. The AP will meet on November 9 from 9:30 a.m. until 3:30 p.m., and the SSC will meet from 8 a.m. until 3 p.m. on November 10. The agenda is as follows:

The AP and SSC will review and comment on draft Amendment #5 to the Reef Fish Fishery Management Plan. This proposed amendment to the Federal rules for reef fish will include the following proposed changes.

(1) Additional regulations on the use of fish traps in the fishery, including consideration of prohibiting use of traps;

(2) Special management zones off Alabama where fishing gear will be restricted;

(3) A requirement that all reef fish be landed with heads and fins intact to

facilitate enforcement of minimum size limits;

(4) Revised vessel permit requirements for earned income; and

(5) An increase in the minimum size limit for red snapper to 16 inches over a seven-year period.

The SSC will also review data on spawning time and locations of gag grouper off Florida. Both groups will make their recommendations to the Council at its November 18–19, 1992, meeting in Sarasota, Florida.

For more information contact Steven M. Atran, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL; telephone: (813) 228–2815.

Dated: October 20, 1992.

David S. Crestin,

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

[FR Doc. 92–25889 Filed 10–23–92; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Gulf of Alaska Rockfish Committee (Committee) will meet on November 23, 1992, at 8:30 a.m., at the Alaska Fisheries Science Center, 7600 Sand Point Way, NE., in room 2039, Building 4, Seattle, WA.

The Committee will review current stock assessments for rockfish species, discuss stock conditions and identification of stock status goals, review effectiveness of current management tools, and discuss possible scenarios for rebuilding the stock.

For more information contact Chris Oliver, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271–2809.

Dated: October 20, 1992.

David S. Crestin,

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

[FR Doc. 92–25890 Filed 10–23–92; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Comprehensive Data Gathering Committee (Committee) will hold a public meeting on October 22, 1992, from 10 a.m. to 5 p.m., in the conference room of the Pacific States Marine Fisheries Commission, 2501 SW. First Avenue, suite 200, Portland, Oregon.

The Committee will review a draft report on the need for a program to gather fishery data from vessels at sea, as well as data that can be obtained when vessels return to port. The Committee will also discuss alternative approaches to potential funding sources and cost effectiveness. The report will be submitted to the Council at its November 17–19 meeting in Seattle, WA.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, Oregon 97201; telephone: (503) 326–6352.

Dated: October 20, 1992.

David S. Crestin,

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

[FR Doc. 92–25891 Filed 10–23–92; 8:45 am]

BILLING CODE 3510-22-M

Sea Grant Review Panel; Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The meeting will have several purposes. Panel members will provide and discuss follow-up reports of business transacted at the last Sea Grant Review Panel meeting in the areas of management and organization, budget status, strategic and tactical issues, law and policy, new technology and research, economic development, outreach for enhancement of Department of Commerce goals, and new business.

DATES: The announced meeting is scheduled during two days: Thursday, November 5, 1992, 8 a.m. to 4:15 p.m. and Friday, November 6, 1992, 9 a.m. to 3:30 p.m.

ADDRESSES: Holiday Inn Downtown-Superdome, 330 Loyola Avenue, River Conference Room, New Orleans, Louisiana 70112.

FOR FURTHER INFORMATION CONTACT: Dr. David B. Duane, Director, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Room 5459, Silver Spring, Maryland 20910, (301) 713–2448.

SUPPLEMENTARY INFORMATION: The Panel, which consists of balanced representation from academia, industry, state government, and citizens groups, was established in 1976 by section 209 of the Sea Grant Improvement Act (Public Law 94–461, 33 U.S.C. 1128) and advises the Secretary of Commerce, the Under Secretary for Oceans and Atmosphere and Administrator of NOAA, and the Director of the National Sea Grant College Program with respect to operations under the act, and such other matters as the Secretary refers to the Panel for review and advice. The agenda for the meeting is:

Thursday, November 5, 1992, 8 a.m.–4:15 p.m.

8 a.m. Welcome.
8:10 a.m. Logistics & Such.
8:20 a.m. Approval of Minutes.
8:30 a.m. Meeting Objectives.
8:45 a.m. Priority Issues.
—The New Political Landscape.
—Program Evaluation and Site Review.
—Sea Grant Outreach.
—Sea Grant Director's Concerns.
• Roles of National Sea Grant Program and Panel.
• Program Evaluation.
• Roles of Monitor and Area Specialist.
—Policy on Additional Entities.
—Strategic Planning.
—Allocation of Sea Grant Resources.
9:30 a.m. Activity Reports.
—Council of Sea Grant Directors Retreat in La Jolla, California.
9:40 a.m. Sea Grant Entities.
9:55 a.m. Sea Grant Week.
10 a.m. Break.
10:15 a.m. Bylaws.
10:45 a.m. Marine Advisory Services Retreat.
11:00 a.m. Site Review Process.
11:20 a.m. Draft Site Review Agenda.
12 noon Working Lunch.
1 p.m. National Sea Grant Directors Report
—Strategic Initiatives for Next Year.
—Budget Issues.
• Appropriations.
• The Administrative Cap—Its Implications.
• Effects on Individual Programs.
—Reaction to Panel Recommendations.
• Strategic Planning.
• Bureaucratic Inefficiencies.
• Sea Grant Entities.
2 p.m. Sea Grant Resource Allocation History.
2:30 p.m. Break.
2:45 p.m. Other National Sea Grant Program Issues.
3:15 p.m. Marine Advisory Services Overview.
4:15 p.m. Adjourn.

Friday, November 6, 1992, 9 a.m.–3:30 p.m.

8 a.m. Subcommittee Reports.
—New Technology and Research.
—Management and Organization.
—Economic Development and Outreach.
—Law and Policy.
—Long-Range Planning.
10 a.m. Break.

10:15 a.m. Joint Session with Council of Sea Grant Directors.
—Regional Marine Research Boards.
—Council of Sea Grant Retreat Issues.
12:15 p.m. Lunch.
1:15 p.m. New Chairman Takes Office.
1:25 p.m. Election of Vice Chair.
1:40 p.m. Report to Secretary of Commerce.
2 p.m. Specific Actions and Motions.
—Next Meeting.
—New Business.
3:30 p.m. Adjourn.

The meeting will be open to the public.

Dated: October 21, 1992.

Ned A. Ostenso,

Assistant Administrator, Oceanic and Atmospheric Research.

[FR Doc. 92-25892 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-12-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Issuance of scientific research permit (P420C).

SUMMARY: On Tuesday, September 15, 1992, notice was published in the **Federal Register** (57 FR 42551) that an application had been filed by J. Ward Testa, Ph.D. and Michael Castellini, Ph.D., Institute of Marine Science, University of Alaska, to take by harassment, 3200 Weddell seals (*Leptonychotes weddellii*), 30 each of crabeater seals (*Lobodon carcinophagus*), leopard seals (*Hydrurga leptonyx*), Ross seals (*Ommatophoca rossii*), Antarctic fur seal (*Arctocephalus gazella*) and southern elephant seal (*Mirounga leonina*), and import specimens from McMurdo Sound, Antarctica.

Notice is hereby given that on October 16, 1992, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), issued a Permit for the above activities subject to the Special Conditions set forth therein.

The application and accompanying documentation satisfy the issuance criteria for scientific research permits. The requested activities are consistent with the purposes and policies of the MMPA. The research will further a *bona fide* scientific purpose that does not involve unnecessary duplication of other research.

The Permit and supporting documentation is available for review, by appointment, in the Permits Division, Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Highway, room 7324, Silver Spring, MD 20910 (301/713-2289); and Director, Alaska Region, National Marine Fisheries Service, Federal Annex, 9109 Mendenhall Mall Road, suite 6, Juneau, AK 99802 (907/586-7221).

Dated: October 16, 1992.

Michael K. Tillman,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-25867 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

October 20, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting import limits and guaranteed access levels.

EFFECTIVE DATE: October 27, 1992.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, 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 adjusted, variously, for swing and carryforward. Also, the guaranteed access levels for Categories 339/639 and 633 are being increased.

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 21232, published on May 19, 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

October 20, 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 May 14, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on October 27, 1992, you are directed to amend further the directive dated May 14, 1992 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 the Dominican Republic:

Category	Adjusted twelve-month limit [1]
338/638	585,398 dozen.
339/639	700,096 dozen.
340/640	627,205 dozen.
342/642	347,216 dozen.
347/348/647/648	1,601,831 dozen of which not more than 1,146,626 dozen shall be in Categories 347/348 and not more than 1,030,153 dozen shall be in Categories 647/648.
448	37,668 dozen.
633	86,374 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1991.

Also effective on October 27, 1992, you are directed to increase the guaranteed access levels for the categories listed below. The current guaranteed access levels for Categories 338/638, 340/640, 342/642 and 347/348/647/648 remain unchanged.

Category	Adjusted guaranteed access level
339/639	1,200,000 dozen.
633	60,000 dozen.

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. 92-25852 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DR-F

Announcement of an Import Restraint Limit for Certain Cotton, Wool and Man-Made Fiber Sweaters Assembled in Guam from Imported Parts

October 20, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit for a new agreement year.

EFFECTIVE DATE: November 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 this limit, 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 provision for sweaters assembled in Guam from imported parts and exported from Guam to the United States is being continued for the period November 1, 1992 through October 31, 1993. The limit established for the new period is being increased to 225,015 dozen.

A certification will continue to be required and will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp was published in the **Federal Register** on March 4, 1985 (50 FR 8649).

For those sweaters properly certified, no export visa or license will be required from the country of origin of the merchandise, and imports entered under this procedure will not be charged to limits established for exports from the country of origin. Exports of sweaters in Categories 345, 445, 446, 645 and 646, which are not accompanied by a certification and those in excess of 225,015 dozen, will require the appropriate visa or export license from the country of origin and will be subject to any other applicable restriction.

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 52535, published on October 21, 1991. Information regarding the 1993 CORRELATION will be published in the **Federal Register** at a later date.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 30, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, effective on November 2, 1992, you are directed to permit entry or withdrawal from warehouse for consumption in the United States of 225,015 dozen cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, the product of any foreign country or foreign territory, as determined under 19 C.F.R. Part 12.130 and which have been certified as assembled in Guam and exported to the United States during the twelve-month period beginning on November 1, 1992 and extending through October 31, 1993. You are directed not to require any otherwise applicable export visa or license and not to charge against any otherwise applicable import restriction sweaters subject to this provision. A certification will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp has been provided.

Imports of cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646 assembled in Guam, but not of Guam origin, which are not accompanied by a certification and those in excess of 225,015 dozen exported during the twelve-month period beginning on November 1, 1992 and extending through October 31, 1993 will require the appropriate visa or export license from the country of origin and will be charged to any applicable quota.

Imports charged to the category limit for the period November 1, 1991 through October 31, 1992 shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of 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. 92-25849 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DR-F

Amendment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

October 20, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: October 27, 1992.

FOR FURTHER INFORMATION CONTACT: Anne Novak, 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) 927-6711. 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 U.S. Government has agreed to increase the Special Regime limits for Categories 338/339/638/639 and 352/652.

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 65244, published on December 16, 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

October 20, 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 December 10, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on October 27, 1992, you are directed to amend further the directive dated December 10, 1991, to increase the Special Regime limits for the following categories. The Normal Regime sublimit for Categories 338/339/638/639 and Normal Regime limit for Categories 352/652 remain unchanged.

Category	Amended twelve-month limit [1]
338/339/638/639	1,600,000 dozen.
352/652	3,500,000 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. 92-25851 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DR-F

Establishment of an Import Limit for Certain Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Romania

October 20, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: October 27, 1992.

FOR FURTHER INFORMATION CONTACT: Nicole Bivens Collinson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6715. 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).

Under the provisions of the Bilateral Cotton Textile Agreement, effected by exchange of notes dated January 28 and March 31, 1983, as amended and extended, between the Governments of the United States and Romania, the Chairman of CITA directs the Commissioner of Customs to establish an import restraint limit on silk blend and other vegetable fiber textile products in Category 836 for the period beginning on January 1, 1992 and extending through December 31, 1992.

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 63499, published on December 4, 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

October 20, 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 27, 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 Romania and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on October 27, 1992, you are directed to amend the November 27, 1991 directive to establish a limit for silk blend and other vegetable fiber textile products in Category 836 at a level of 15,443 dozen [1].

[1] The limit has not been adjusted to account for any imports exported after December 31, 1991.

Import charges already made to Group I for Category 836 shall be retained and applied to the limit established in this directive.

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. 92-25850 Filed 10-23-92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meetings

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board and its committees. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: November 19, 20, and 21, 1992.

TIME: November 19, 1992—Achievement Levels Committee—3 p.m. to 4:30 p.m. (open); Subject Area Committee #1—4:30 p.m. to 5 p.m. (open), 5 p.m. to 6 p.m. (closed); Ad Hoc Committee on Future NAEP II—4:30 p.m. to 6:30 p.m. (open); Executive Committee—7 p.m.-9 p.m. (open); 9 p.m. to 9:30 p.m. (closed). November 20, 1992—National Assessment Governing Board—8:30 a.m. to 9:30 a.m. (open), 11 a.m. to 12 noon (open), 12 noon to 1 p.m. (closed), 1 p.m. to 5 p.m. (open); Reporting and Dissemination Committee—9:30 a.m. to 11 a.m. (open); Subject Area Committee #2—9:30 a.m. to 11 a.m. (open); Design and Analysis Committee—9:30 a.m. to 11 a.m. (open); and Nominations Committee—9:30 a.m. to 11 a.m. (open). November 21, 1992—Full Board—9 a.m. until adjournment, approximately 1:30 p.m. (open).

LOCATION: Sheraton-Yankee Trader Beach Resort Hotel, 321 North Atlantic Boulevard, Ft. Lauderdale, Florida.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW.,

Washington, DC, 20002–4233. Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), Title III–C of the Augustus F. Hawkins–Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297), (20 U.S.C. 1221e–1).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

On November 19, four committees will be in session. The Achievement Levels Committee will meet in open session from 3 p.m. to 4:30 p.m. The agenda for this meeting includes progress report on the Achievement Levels Project, and discussion of reading and writing level setting. The Subject Area Committee #1 will meet in open session from 4:30 p.m. to 5 p.m. to discuss the timelines for Committee activities related to the 1994 assessments.

The Subject Area Committee #1 meeting will be closed to the public from 5 p.m. to 6 p.m. to review a preliminary work statement for a new consensus procurement. This portion of the meeting must be conducted in closed session because premature disclosure of the information presented for review might significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 U.S.C.

The Ad Hoc Committee on Future NAEP II will meet in open session from 4:30 p.m. to 6:30 p.m., to discuss its report and the recommendations it will make to the full Board.

Also, on November 19, the Executive Committee will meet in closed session from 9 p.m. until 9:30 p.m. to discuss the qualifications of current Board members to serve as Vice Chairperson of NAGB. Based on these discussions, the Executive Committee will recommend a Vice Chairperson to the full Board. This session will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, and will relate solely to the internal personnel rules and practices of an agency. Such matters are protected by exemptions (2) and (6) section 552b(c) of title 5 U.S.C.

On November 20, the full Board will meet in open session from 8:30 a.m. to 9:30 p.m. The agenda will be reviewed and the Executive Director's Report will be presented. Beginning at 9 a.m., the Board will hear a presentation on Florida Assessment Initiatives. During the period from 9:30 a.m. to 11 a.m., there will be open meetings of the Reporting and Dissemination Committee, Subject Area Committee #2, Design and Analysis Committee, and the Nominations Committee.

The full Board will reconvene at 11 a.m. to hear a briefing on achievement level setting for reading and writing. From 12 noon, until approximately, 1 p.m., the Board will meet in closed session for a briefing by the NAEP contractor on the State and National 1992 NAEP Mathematics Reports. The presentations will include references to specific items from the assessment, the disclosure of which might significantly frustrate implementation of the NAEP. The results of this assessment must be presented in closed session because reference may be made to data which may be misinterpreted, incorrect, or incomplete. Premature disclosure of this data might significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption 9(b) of section 552b(c) of title 5 U.S.C. The remaining agenda, from 1 p.m. to 5 p.m., includes Board action on the recommendations from the AD Hoc Future NAEP II Committee, update on NAEP activities, progress report on the Arts Consensus Project, and presentations on Kentucky Assessment and Performance Standards, and on The College Board Pacesetter Project.

On November 21, the full Board will meet from 8:30 a.m. until adjournment, at approximately 1:30 p.m. The proposed agenda for this portion of the meeting includes a presentation on NAEP psychometric methodology, reports from the NAGB committees, election of a Board Vice Chairperson.

A summary of the activities of the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b, will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW., Washington, DC, from 8:30 a.m. to 5 p.m.

Dated: October 21, 1992.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 92–25871 Filed 10–23–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE)

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before November 25, 1992. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so, as soon as possible. The Desk

Officer may be telephoned at (202) 395-3084. (Also; please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254-5348.

SUPPLEMENTARY INFORMATION: The energy information collected submitted to OMB for review was:

1. Federal Energy Regulatory Commission.
2. FERC-577(A).
3. 1902-0161.
4. Gas Pipeline Certificates: Environmental Impact Statements, Re Final Rule in Docket No. RM92-13-000, Revisions to Regulations Governing NGPA Section 311 Construction and the Replacement of Facilities; Order No. 544, issued September 21, 1992.
5. Revision.
6. On occasion as needed; Annually.
7. Mandatory.
8. Businesses or other for-profit.
9. 55 respondents.
10. 1.27 responses per respondent.
11. 33.3 hours per response.
12. 2,330 hours.
13. The Final Rule in Docket No. RM92-13-000 requires natural gas pipelines to provide at least 30 days advance notice to the Commission prior to constructing or replacing certain facilities pursuant to Section 311 of the Natural Gas Policy Act.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, October 15, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92-25786 Filed 10-23-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. TQ93-1-2-002 and TQ93-2-2-001]

East Tennessee Natural Gas Co.; Notice of Rate Filing

October 20, 1992.

Take notice that on October 15, 1992, East Tennessee Natural Gas Company (East Tennessee) submitted for filing five copies each of the following tariff sheets to its FERC Gas Tariff, Volume No. 1 to be effective October 1, 1992:

Second Substitute Twenty Seventh Revised Sheet No. 4
Second Substitute Twenty Seventh Revised Sheet No. 5
Substitute Twenty Eighth Revised Sheet No. 4
Substitute Twenty Eighth Revised Sheet No. 5

East Tennessee as submits for filing five copies each of the following tariff sheet to its FERC Gas Tariff, Volume No. 1 to be effective October 15, 1992:

Third Revised Sheet No. 97

East Tennessee states that the purpose of the instant filing is to comply with the Commission's Letter Order dated September 30, 1992.

East Tennessee further states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 27, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-25921 Filed 10-23-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM93-2-4-000]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in Rates

October 20, 1992.

Take notice that on October 16, 1992, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581 tendered for filing the revised tariff sheets listed below in its FERC Gas Tariff, First Volume No. 2, containing changes in rates for effectiveness on September 1, 1992:

Second Revised Sheet No. 62
Second Revised Sheet No. 72

According to Granite State it provides firm transportation services between Ellisburg, Pennsylvania, and Agawam, Massachusetts under its Rate Schedules T-5 and T-6 for its affiliated distribution company customers, Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities). Granite State further states that the transportation services are provided with transportation capacity available to Granite State on the pipeline system of Tennessee Gas Pipeline Company. It is further stated that Tennessee provides the service under its Rate Schedule NET-Niagara and Granite State is authorized to track changes in the rates for the service in Tennessee's underlying rate schedule.

According to Granite State, Tennessee moved into effect, as of September 1, 1992, revised rates for its Rate Schedule NET-Niagara transportation services in Docket No. RP92-132-000 in a motion filed August 31, 1992. Granite State states that its filing tracks in its Rate Schedules T-5 and T-6 the revised rates filed by Tennessee in Docket No. RP92-132-000.

Granite State further states that copies of its filing were served on Bay State and Northern Utilities and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 27, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-25922 Filed 10-23-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA93-2-53-000]

K N Energy, Inc.; Notice of Proposed Changes in FERC Gas Tariff

October 20, 1992

Take notice that K N Energy, Inc. ("K N") on October 16, 1992 tendered for filing proposed changes in its FERC Gas Tariff to adjust the rates charged to its jurisdictional customers pursuant to the Purchased Gas Adjustment provision (Section 19) of the General Terms and Conditions of K N's FERC Gas Tariff, First Revised Volume No. 1-B to reflect changes in current adjustments and surcharges. The filing proposes increases (decreases) to K N's rates per Mcf as set forth in the table below:

Zone 1	Zone 2	
CD, SF and WPS Commodity	0.1211†	0.1211†
D1 Demand	(0.0025)	(0.0036)
D2 Demand	0.0042	0.0053
WPS Demand	(0.0050)	(0.0072)
IOR Commodity	0.1228	0.1228

K N states that the filing reflects revision to its base tariff rates to reflect projected weighted average gas costs for the quarter ending February 28, 1993. The proposed effective date for the rate changes is December 1, 1992.

This filing is a resubmission of K N's regularly scheduled Annual PGA, filed October 1, 1992, which was rejected by the Commission due to difficulties reading the electronic media.

K N states that copies of the filing were served upon K N's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before November 3, 1992, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, a petition to intervene or a protest in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-25924 Filed 10-23-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM93-1-30-001]

Trunkline Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

October 20, 1992.

Take notice that on October 14, 1992, Trunkline Gas Company (Trunkline) tendered for filing the revised tariff sheets to it FERC Gas Tariff, Original Volume No. 1, as reflected in appendix No. 1, and to its FERC Gas Tariff, Original Volume No. 2, as reflected in appendix No. 2 attached to the filing.

The proposed effective date of these revised tariff sheets is October 1, 1992.

Trunkline states that the above-referenced tariff sheets are being filed in accordance with Commission Order No. 472 and pursuant to section 20 (Annual Charge Adjustment (ACA) Provision) of the General Terms and Conditions of Trunkline's FERC Gas Tariff, Original Volume No. 1 and in compliance with the Commission's Order Of The Director Accepting And Rejecting Tariff Sheets issued September 30, 1992 in the above-reference proceeding.

Trunkline's tariff filing on September 1, 1992 reflected unchanged amount of $0.0023 per Dt for the current ACA Unit Surcharge approved by the Commission for fiscal year 1992 and the additional increment necessary to give effect to the fiscal year 1991 adjustment. The Commission's September 30, 1992 Order states that, "Trunkline's correct ACA surcharge should be $0.0022 per Dt".

Trunkline respectfully requests pursuant to the Commission's Order dated September 30, 1992 in Docket No. TM93-1-30-000 that the Commission substitute the tariff sheets submitted herewith in appendix No. 1 and appendix No. 2, which reflect the revised ACA Unit Surcharge, in lieu of the traiff sheets filed on September 1, 1992. To the extent required, if any, Trunkline respectfully requests that the Commission grant such waivers as may be necessary for the acceptance of the revised tariff sheets submitted herewith.

Trunkline states that copies of this letter and enclosures are being served on all customers subject to the tariff sheets and the applicable state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 27, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-25923 Filed 10-23-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Special Research Grant Program Notice 92-16: Health Effects Research

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications—Cancellation.

SUMMARY: On April 23, 1992, at 57 FR 14833, the Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy, published in the **Federal Register** a notice announcing its interest in receiving applications in the following three areas: (1) DNA repair; (2) cellular and molecular mechanisms of carcinogenesis (especially those using human cell systems); and (3) low dose studies, <10cGy, that will improve our understanding of the dose effect relationships at low doses. Due to unanticipated budgetary constraints, today's notice cancels Notice 92-16.

FOR FURTHER INFORMATION CONTACT: Dr. Marvin E. Frazier, Office of Health and Environmental Research, ER-64 (GTN), Office of Energy Research, U.S. Department of Energy, Washington, DC 20585, (301) 903-5364.

Issued in Washington, DC, on October 19, 1992.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 92-25911 Filed 10-23-92; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of August 31 through September 4, 1992

Office of Hearings and Appeals

During the week of August 31 through September 4, 1992, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Refund Applications

Apex Oil Co., Clark Oil & Refining Corp./National Steel Corp., 9/3/92, RF342-271

The DOE issued a Decision and Order denying an Application for Refund filed by National Steel Corp. (National) in the Apex/Clark special refund proceeding. In its application, National requests a refund for its purchases of 65,358,136 gallons of Apex petroleum products. The settlement agreement between the DOE and the one-time successor to Apex, AOC Acquisition Corp., settled the DOE's claims against Apex for crude oil violations but did not address any possible violations with respect to Apex's sales of refined petroleum products. The *Apex/Clark* Decision directed that the portion of the settlement fund attributable to Apex's crude oil violations be placed into the crude oil refund pool while the remaining funds be placed in a refined product refund pool to be distributed to purchasers of Clark refined petroleum products. Therefore, as only purchasers of Clark products are eligible for refund in this proceeding, the DOE determined that National's application be denied.

Atlantic Richfield Company/Joe Cava's ARCO, 9/3/92, RF304-13180

The DOE issued a Decision and Order granting an Application for Refund in the Atlantic Richfield Company (ARCO) special refund proceeding. In the application, Mr. Joe Cava claimed a refund based on ARCO purchases of 720,826 gallons which were documented in the ARCO customer purchase records but were not claimed in a previous Decision and Order concerning Joe Cava's ARCO. Because (1) the OHA considers all applications filed by one claimant on behalf of related entities to be a single claim and (2) Mr. Cava elected to limit his combined refund amount under the small claims presumption of injury, we calculated the refund due to Mr. Cava in this instance by deducting the principal amount of $4,551 which he was granted in the prior Decision from the combined principal amount of $5,000 for which he was eligible. Accordingly, Mr. Cava received a principal refund of $449 ($5,000−$4,551=$449), plus accrued interest.

Citronelle-Mobile Gathering Inc./Globe Manufacturing Co., et al., 9/3/92, RR336-1, et al.

The DOE issued a Decision and Order directing payment of refunds to 37 applicants in the Citronelle-Mobile Gathering, Inc. (Citronelle) special refund proceeding. These funds had been collected from Citronelle pursuant to a March 17, 1988, decision of the United States District Court for the Southern District of Alabama. The decision of the District Court directed the DOE Office of Hearings and Appeals (OHA) to submit factual determinations and recommendations, in compliance with the DOE's special refund procedures, 10 CFR part 205, subpart V, as to the final distribution of the Citronelle overcharge funds. In accordance with the goals of subpart V, the OHA implemented a process by which purchasers of refined petroleum products were afforded an opportunity to demonstrate that they were injured as a result of Citronelle's overcharges. The OHA issued written decisions approving 37 claims, encompassing total purchase volumes of 1,222,722,167 gallons of petroleum products. On May 12, 1992, the OHA issued a report to the Court containing its recommendations for distribution of the refunded Citronelle overcharges. The OHA recommended that successful claimants be paid in proportion to the number of gallons of refined petroleum products purchased by each claimant. On August 14, 1992, the Court ordered the transfer of the Citronelle overcharge funds from the court registry to the DOE Deposit Escrow Fund Account (less $250,000), and ordered the transfer of any additional payments into the registry to the DOE escrow account on a quarterly basis (less $250,000). The court further ordered that, within sixty days of the first transfer of funds, the DOE shall make payments from the escrow account to the 37 approved claimants on a *pro rata* basis, as recommended by the OHA, and shall make further *pro rata* payments to the claimants whenever the amount in the DOE escrow account exceeds $1,000,000. Accordingly, the DOE directed that the transferred funds, totaling $7,700,901.54, be disbursed to the 37 eligible claimants on a *pro rata* basis.

Murphy Oil Corporation/Coffey's Bay Station et al., 9/3/92, RF309-1195 et al.

The DOE issued a Decision and Order concerning the Applications for Refund filed by Akin Energy, Inc. on behalf of ten indirect purchasers of Murphy Oil Corporation (Murphy) branded product. These applicants all purchased motor gasoline from Davis Oil Co. (Davis), a local jobber. Since Davis did not attempt to demonstrate that it absorbed Murphy's overcharges in its Application for Refund in the Murphy proceeding, we presumed that Davis' customers were similarly overcharged. Davis also purchased product from Agway, Inc. (Agway) and Crown Petroleum (Crown) in addition to purchasing Murphy product during the consent order period. Davis resold the petroleum products obtained from these three sources to its customers without reference to their origin. Therefore, we presumed that the direct purchaser resold its supplier's petroleum products in the same proportion as its original purchases. Basing our calculations on the refunds previously received by Davis in the Agway, Crown and Murphy refund proceedings, we concluded that Murphy products had accounted for 38 percent of Davis' total purchases. Thus, we multiplied each applicant's volume of Davis purchases by 38 percent to obtain the volume of Murphy petroleum products which each claimant purchased. The total refund granted in this Decision and Order was $6,839 (comprised of $4,666 in principal and $2,173 in interest).

Texaco Inc./Swain's Texaco et al., 9/1/92, RR321-27 et al.

Eight Texaco retailers each filed a Motion for Reconsideration of a Decision and Order that denied duplicate Texaco refund applications that it had previously filed. In the Motions, the retailers indicated that they had signed both applications at the request of Federal Refunds, Inc. (FRI), the firm that had prepared the forms and submitted them to the Office of Hearings and Appeals. In considering the Motion, the DOE found that the retailers erroneously filed the second application because they were confused by FRI's sending them another application form and not for the purpose of obtaining a duplicate refund. Accordingly, the Motions for Reconsideration were approved and the retailers were granted refunds totaling $19,125.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/ Buckingham & Company, Inc. *et al*.	RF304-1740	09/02/92
Atlantic Richfield Company/ Hinson Oil Company, Inc.	RF304-13182	09/01/92
Atlantic Richfield Company/Hurst ARCO, Inc.	RF304-13226	09/02/92

Atlantic Richfield Company/Lee's ARCO *et al*.	RF304-12751	09/04/92
Atlantic Richfield Company/Total Home Comfort, Inc. *et al*.	RF304-13076	09/01/92
Clark Oil & Refining Corp./ Service Oil Company.	RF342-220	09/03/92
Gulf Oil Corp./ Colston Service Station *et al*.	RF300-16876	09/04/92
Gulf Oil Corp./ Pope Paving Corporation.	RF300-20447	09/01/92
R.G. Pope Construction Company.	RF300-20448	
Keystone Central School Dist.	RF272-80856	09/04/92
Richmond Schools *et al*.	RF272-79900	09/04/92
Tesoro Petroleum Corporation/ Boston Edison Company.	RF326-326	09/03/92
Tesoro Petroleum Corporation/ Defense Fuel Supply Center.	RR326-1	09/02/92
Texaco Inc./Cross Kin Service Station Inc. *et al*.	RF321-9742	09/03/92
Texaco Inc./ Walter W. Holland *et al*.	RF321-15104	09/03/92
Weathersfield School District.	RF272-80803	09/02/92

Dismissals

The following submissions were dismissed:

Name	Case No.
Ballard Automotive, Inc.	RF321-8579
Brittin's Texaco	RF321-13535
Calfee's Minute Markets	RF300-18710
Carl H. Welker	RF304-13224
Corder's Circle Texaco	RF321-12027
Forest Drive ARCO	RF304-3524
George Calfee	RF300-18711
Hessel Park Texaco	RF321-18422
Lew's Texaco	RF321-8602
Mauldin U-Haul Texaco	RF321-17225
Noe's Gulf	RF300-19616
Pepsi-Cola Bottling Co.	RF321-13539
Surber's Texaco	RF321-18598
Wilson Brothers	RF321-19145
Wilson Oil Co.	RF300-18397

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: October 20, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 92-25912 Filed 10-23-92; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of September 21 through September 25, 1992

During the week of September 21 through September 25, 1992, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

U.S. News and World Report, 9/22/92, LFA-0235

U.S. News and World Report filed an Appeal from a denial by the Oak Ridge Field Office of a Freedom of Information Request. The magazine had sought records concerning research conducted by Dr. Jose Souto on the effects of radiation on health while he was employed by the Agricultural Research Laboratory, which was operated for the Atomic Energy Commission by the University of Tennessee. In its determination, the Field Office stated that it could not locate any responsive documents. The magazine argued that responsive documents must exist and asked that the Field Office be directed to conduct an additional search. The DOE found that the Field Office had conducted a thorough search of records located at the Field Office, Oak Ridge National Laboratory and the Oak Ridge Associated Universities. However, the DOE found that a search should also have been conducted at DOE's Office of Scientific and Technical Information and at those DOE headquarters offices that are concerned with the health effects of radiation. Accordingly, the Appeal was granted in part.

Refund Applications

City of Abingdon, et al., 9/22/92, RF272-83302 et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by Petroleum Funds, Inc. (PFI), a private filing service, on behalf of six cities or municipalities in the subpart V crude oil special refund proceeding administered by the Office of Hearings and Appeals (OHA). The DOE determined that each of the six applicants was an end-user of crude oil. PFI estimated the volume of petroleum products each applicant purchased by referring to consumption patterns of other cities and municipalities in the applicants' respective states. The DOE determined that this estimation technique failed to take into account such factors as geographic dissimilarities, population disparities, or possible deviations in individual petroleum product consumption patterns between the subject applicants and the cities and municipalities PFI used to derive estimates for the applicants. Because of the deficiency, OHA contacted each applicant directly and each provided OHA with a reasonable estimate of its annual petroleum product usage. The DOE then concluded that each applicant was eligible to receive a crude oil refund. The total amount of refunds granted to the six applicants was $764.

City of Nassau Bay, 9/23/92, RF272-83375

The DOE issued a Decision and Order concerning an Application for Refund filed by Petroleum Funds, Inc. (PFI), a private filing service, on behalf of the City of Nassau Bay, Texas in the subpart V crude oil special refund proceeding. The DOE determined that the City was an end-user of crude oil. After rejecting PFI's estimation method for Nassau Bay's petroleum products purchases during the period August 19, 1973 to January 27, 1981, the DOE contacted the applicant directly. The applicant provided an estimate based on its actual product usage during 1991 multiplied by a factor of 1.35. The DOE determined that there was no reasonable basis to accept the applicant's estimation. The DOE learned that PFI had suggested that the applicant use the 1.35 factor and that the applicant had no independent knowledge of how that number was derived. After contacting PFI, the DOE discovered that PFI had independently derived the 1.35 factor after reading a 1991 article published in USA Today which discussed a fuel economy report released by the Environmental Protection Agency. The DOE rejected this estimation method because it was based on information that was simply too general. The applicant then provided the DOE a reasonable explanation of why its 1991 petroleum product usage was an accurate representation of its usage during the 1973-1981 period. The DOE then concluded that the City of Nassau Bay was eligible to receive a crude oil refund and granted a refund in the amount of $129.

Shell Oil Company/General Motors Corporation, 9/23/92, RF315-8915

This Decision and Order concerns the Application for Refund filed by General Motors Corporation (GM), an end-user, based on its claimed purchase volume of 169,677,928 gallons of Shell product made by its plants nationwide. GM claimed that its plants were supplied with Shell branded petroleum products, primarily motor gasoline, during the consent order period. It submitted Shell printouts to document 11,127,924 gallons of its claimed purchase volume. GM also submitted a summary of its corporate purchase records from the consent order period in order to substantiate the remaining 158,550,004 claimed gallons. These records, however, list the precise annual dollar amounts paid by GM for Shell petroleum products instead of the actual volume in gallons. Despite GM's assertion that its conversion figures were "conservative purchase price estimates," the DOE instead used national price data from the Energy Information Administration (EIA), a division of the DOE, as a standard for these conversions. This methodology was appropriate because GM's plants were not concentrated in one particular geographic region. Accordingly, using EIA's prices for the industrial sector, the DOE determined that GM's total purchase volume during the refund period was 163,072,314 gallons of Shell product. The total refund granted in this Decision and Order was $53,744 (comprised of $36,854 in principal and $16,890 in interest).

Texaco Inc./Forrest Ave. Texaco, Wong's Texaco, Oliver Brothers Texaco, 9/23/92, RR321-58, RR321-82, RR321-84

Three Texaco retailers filed Motions for Reconsideration of Decisions and Orders that denied duplicate refund applications they had previously filed in the Texaco Inc. special refund proceeding. In their Motions, each of the retailers stated that he had signed the second refund application, and certified in it that no other application had been filed, because he was confused and believed that he had to complete the second form to receive a refund. In considering the Motions, the DOE found that the retailers erroneously signed and filed the second application in response to a request by a private firm, Federal Refunds, Inc., and not for the purpose of obtaining a duplicate refund. Accordingly, the Motions for Reconsideration were approved and the retailers were granted refunds totalling $4,510 (including accrued interest).

Texaco Inc./Louis DiLoreto, 9/22/92, RR321-64

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed in the Texaco Inc. special refund proceeding by Louis DiLoreto, the former sole shareholder of Louis DiLoreto, Inc., the corporate owner/operator of a retail outlet located in Ossining, NY. DiLoreto sought to have the DOE reconsider its denial of a refund claim filed by him in the Texaco refund proceeding. In addition, DiLoreto's request, if approved, would have required that the DOE rescind its approval of a competing refund claim filed by the individual to whom DiLoreto sold the retail outlet.

In denying the Motion, the DOE noted that when DiLoreto sold the stock in the corporation which owned the retail outlet, he lost any right to a refund to which the outlet may have been entitled. The DOE also found that documentation submitted during this proceeding established that the corporation, rather than DiLoreto individually, incurred the alleged Texaco overcharges. Accordingly, DiLoreto's Motion was denied.

Texaco Inc./Morania Oil Tanker Corp., 9/23/92, RR321-43

Morania Oil Tanker Corporation (Morania) filed a Motion for Reconsideration of a December 5, 1990 Decision and Order in which the DOE denied duplicate refund applications submitted by the firm in the Texaco special refund proceeding. In support of the Motion, the firm's vice president for operations stated that he had followed the instructions of his representative. In considering the Motion, the DOE found the statement of the firm's vice president was not credible since it was inconceivable that the representative would advise Morania's vice president to (i) sign and file one application that falsely stated that no representative had been authorized to file a refund application for Morania, and (ii) sign a second application that falsely stated that no other application had been filed on Morania's behalf. Accordingly, the determination in the December 5 Decision that both refund applications should be denied on the grounds of "unclean hands" was affirmed, and the Motion for Reconsideration was denied.

Texaco Inc./4-Way Service, 9/23/92, RF321-19016

On June 5, 1991, the DOE issued a Decision and Order in the Texaco Inc. refund proceeding approving an Application for Refund filed by Vivian Birdzell on behalf of 4-Way Service, a distributor of Texaco products. That refund was based upon a printout obtained from Texaco of the firm's purchases during the period from March 1973 to February 1979. Ms. Birdzell subsequently informed the DOE that she sold the business in March 1978. Accordingly, the DOE found that she should repay, with interest, that portion of the refund attributable to purchases made between March 1978 and February 1979.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Aminoil U.S.A., Inc./Ellison Enterprises.	RR139-47	09/25/92
Mornes, Inc.	RR139-65	.....
Atlantic Richfield Company/Bob's Arco *et al.*	RF304-13246	09/25/92
Atlantic Richfield Company/ Perelandra, Inc.	RF304-13234	09/25/92
Atlantic Richfield Company/ River/Higgins Arco.	RF304-9246	09/25/92
Collins Oil Company.	RF304-13230	.....
Collins Oil Company.	RF304-13231	.....
Atlantic Richfield Company/ United Medical Laboratories.	RF304-13233	09/24/92
City of Gahanna	RF272-83348	09/25/92
Gulf Oil Corp./ Ben Ligon's Monroe Gulf.	RF300-20549	09/25/92
Gulf Oil Corp./ Duke's Gulf.	RF300-16307	09/21/92
Gulf Oil Corp./ Eatontown Gulf *et al.*	RF300-17002	09/24/92
Gulf Oil Corp./ Interstate Container *et al.*	RF300-16037	09/24/92
Gulf Oil Corp./ Whitford Gulf *et al.*	RF300-16514	09/24/92
Murphy Oil Corp./Icenhour Grocery *et al.*	RF309-1210	09/21/92
Shallowater Indep. Sch. Dist. *et al.*	RF272-80865	09/22/92
Shell Oil Company/ Midwest Aviation Corporation.	RF315-1489	09/21/92
Midwest Aviation Corporation.	RF315-10193	

Tesoro Petroleum Corp./Kirschner Brothers Oil Co.	RF326-286	09/23/92
Texaco Inc./ Glaub's Texaco Service.	RR321-26	09/23/92
Sam's Texaco	RR321-28	
Texaco Inc./ Springfield School District *et al.*	RF321-16000	09/24/92

Dismissals

The following submissions were dismissed:

Name	Case No.
Arco AM-PM Lowry Enterprises	RF304-13205
Bunny's Service Center	RF300-17613
Crystal Soap & Chemical Co	RF272-93714
Department of Education	RF272-92503
Gaines Propane	RF315-313
Gentryville Shell	RF315-379
Golden Valley Electric Assn	RF272-93253
Grand Avenue Arco	RF304-13204
Hatco Corporation	RF272-92774
Hydro Coop. Assn.	RF272-93767
Jim Cheesman Texaco	RF321-13723
L.A. County Sheriff's Dept	RF272-93198
Lipps Texaco	RF321-16186
Lyman Shell Station	RF315-330
Martin & Martin Foundation Drilling	RF272-93730
Maust Transfer Co	RF272-93088
Midwest Walnut Co. of Iowa	RF272-92723
Winston Mineral & Mining Co	RF300-19591

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through RFiday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: October 20, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

[RF Doc. 92-25913 Filed 10-23-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4525-5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before November 25, 1992.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THE ICR, CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Land Disposal Restrictions Variances-"No-Migration" Variances. (EPA No. 1353.03; OMB No. 2050-0062). This ICR is a renewal of an approved collection.

Abstract: Section 3004 of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984, prohibits land disposal of hazardous wastes beyond specified dates unless the owner/operator of a hazardous waste storage or disposal facility demonstrates to the Administrator of EPA that there will be no migration of hazardous constituents from the land disposal unit for as long as the waste remains hazardous. The regulated community can petition for a variance from statutory prohibitions or treatment requirements promulgated under section 3004, to continue land disposal of specific hazardous wastes at specific facilities. The requirements for obtaining these variances and the associated costs are discussed in detail in the ICR.

The Permits and State Programs Division, Office of Solid Waste, will review the petitions and determine if they successfully demonstrate "no migration". Granting of a variance will be based upon successful demonstration that hazardous wastes can be managed safely in a particular land disposal unit, so that "no migration" of any hazardous constituents occurs from the unit for as long as the waste remains hazardous. The statutory requirement for an application by an interested person is intended to place the burden on the applicant to prove that a specified waste can be contained safely in a particular type of disposal unit.

Burden Statement: The respondent burden for the no-migration petition is estimated to be 2,112 hours for each facility planning to request a variance.

Respondents: Owners/Operators of Hazardous Waste Storage or Disposal Facilities.

Estimated Number of Respondents: 10.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 21,120 hours.

Frequency of Collection: As needed.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency,Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC, 20460.

and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC, 20503.

Dated: October 9, 1992.

Paul Lapsley,

Director, Regulatory Management Division

[FR Doc. 92-25902 Filed 10-23-92; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4526-7]

Public Water System Supervision Program Revision for the Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the provisions of Section 1413 of the Safe Drinking Water Act as amended, 42 U.S.C. 300f et seq., and 40 CFR 142.10, the National Primary Drinking Water Regulations, that the Commonwealth of Pennsylvania has revised its approved State Public Water System Supervision Primacy Program. Pennsylvania has adopted drinking water regulations for filtration, disinfection, turbidity, giardia lamblia, viruses, legionella, and heterotrophic bacteria that corresponds to the National Primary Drinking Water Regulations for filtration, disinfection, turbidity, giardia lamblia, viruses, legionella, and heterotrophic bacteria promulgated by EPA on June 29, 1989 (54 FR 27486). EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by November 25, 1992 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by

the Regional Administrator. However, if a substantial request for a public hearing is made by November 25, 1992, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on November 25, 1992.

A request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Regional Administrator, U.S. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107
- Division of Water Supplies, Pennsylvania Department of Environmental Resources, P.O. Box 2357, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ghassan M. Khaled, U.S. EPA, Region 3, Drinking Water Section (3WM41), at the Philadelphia address given above; telephone (215) 597-8992.

Dated: October 16, 1992.

Edwin B. Erickson,

Regional Administrator, EPA, Region 3.

[FR Doc. 92-25900 Filed 10-23-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4526-9]

Proposed Administrative Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act; Barkhamsted-New Hartford Landfill Superfund Site; Barkhamsted, CT

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and request for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to address claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve the liability under CERCLA of Barden Corporation (for Winsted Precision Ball), Capitol Products Company, Carter-Wallace, Inc. (including Lambert Kay Division), Cooper Industries (for Crouse Hinds/Dano and Union Pin), Duralite, Fred J. Potter Company, Howmet Corporation, Hudson Wire Corporation, Hurley Manufacturing Company, New England Connecticut Manufacturing Company, Pitney Bowes (for Wheeler Group), Reynolds and Reynolds (for Baltimore Business Forms), Selmix (by Alco Standard Corporation), SKF USA INC., Son-Chief Electrics, Inc., Sterling Engineering Corporation, Sterling Name Tape Company, Torrington Register Publishing Company (successor to Winsted Citizen Corporation and Winsted Publishing Co.), d/b/a Winsted Evening Citizen and the Register Citizen, TRW Inc., Winsted Centerless Company, Inc., Winsted Memorial Hospital and Regional Refuse Disposal District No. 1 ("the Settling Parties") for costs incurred by EPA in conducting response actions at the Barkhamsted-New Hartford Landfill Superfund Site in Barkhamsted, Connecticut as of March 21, 1991.

DATES: Comments must be provided on or before November 25, 1992.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building—RCG, Boston, Massachusetts 02203, and should refer to: In the Matter of Barkhamsted-New Hartford Landfill Superfund Site, Barkhamsted, CT, U.S. EPA Docket No. I-91-1119.

FOR FURTHER INFORMATION CONTACT: Deborah Brown, U.S. Environmental Protection Agency, Office of Regional Counsel, RCA, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 565-3433.

SUPPLEMENTARY INFORMATION: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9622 (i)(1), notice is hereby given of a proposed administrative settlement concerning the Barkhamsted-New Hartford Landfill Superfund Site in Barkhamsted, CT. The settlement was approved by EPA Region I on September 25, 1992 subject to review by the public pursuant to this Notice. The Settling Parties have executed signature pages committing them to participate in the settlement. Under the proposed settlement, the Settling Parties are required to pay $206,000 to the Hazardous Substances Superfund. EPA believes the settlement is fair and in the public interest.

EPA is a entering into this agreement under the authority of section 122(h) of CERCLA. Section 122(h) of CERCLA provides EPA with authority to consider, compromise, and settle a claim under section 107 of CERCLA for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice for further action. The U.S. Department of Justice approved this settlement in writing on September 8, 1992.

EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice.

A copy of the proposed administrative settlement may be obtained in person or by mail from Deborah Brown, U.S. Environmental Protection Agency, Office of Regional Counsel, JFK Federal Building—RCA, Boston, Massachusetts 02203, (617) 565-3433.

The Agency's response to any comments received will be available for public inspection with the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building—RCG, Boston, Massachusetts (U.S. EPA Docket No. I-91-1119).

Dated: October 9, 1992.

Julie Belaga,

Regional Administrator.

[FR Doc. 92-25901 Filed 10-23-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPT-59299E; FRL-4172-4]

Certain Chemicals; Extension of Test Marketing Period for Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of extension to the test marketing period for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA designated the original test marketing applications as TME-91-19 and TME-91-20. Therefore, this extension is a modification of the previously granted TMEs. The test marketing conditions are described below.

EFFECTIVE DATES: October 19, 1992.

FOR FURTHER INFORMATION CONTACT: David Giamporcaro, Biotechnology Program, Section Chief, Chemical Control Division (TS-794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-613, 401 M St. SW., Washington, DC 20460, (202) 260-6362.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves the extension of the test marketing period for TME-91-19 and TME-91-20. EPA has determined that test marketing of the pesticide intermediates described below, under the conditions set out in the TME applications and modification requests, and for the modified time periods specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the original application. All other conditions and restrictions described in the original *Notice of Approval of Test Marketing Application* must be met.

T-91-19 and T-91-20

Notice of Approval of Original Application: July 8, 1991 (56 FR 30923).

Further extension of Modified Test Marketing Period: March 1, 1993, representing a 103 day extension from the previous expiration date of October 19, 1992.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: October 19, 1992.

Paul J. Campanella,

Director Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-25905 Filed 10-23-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-966-DR]

Florida; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA-966-DR), dated October 8, 1992, and related determinations.

EFFECTIVE DATE: October 14, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida, dated October 8, 1992, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 8, 1992:

Hillsborough County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92-25883 Filed 10-23-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-967-DR]

Mississippi; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA-967-DR), dated October 17, 1992, and related determinations.

EFFECTIVE DATE: October 20, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi, dated October 17, 1992, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 17, 1992:

Lowndes County for Individual Assistance (already designated for Public Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92-25881 Filed 10-23-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-967-DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-967-DR), dated October 17, 1992, and related determinations.

EFFECTIVE DATE: October 17, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated October 17, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from tornadoes, high winds, hail, and severe storms on October 10, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Individual Assistance may be added at a later date, if warranted. Consistent with the requirement that Federal assistance be

supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Ihor Husar of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

Lowndes County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director.

[FR Doc. 92-25882 Filed 10-23-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

San Francisco/National Shipping Corporation of the Philippines Terminal, et. al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011141-018.

Title: Gulfway.

Parties: Hapag Lloyd AG, Lykes Bros. Steamship Co., Sea-Land Service, Inc., P&O Containers Limited, Compagnie Generale Maritime, Nedlloyd Lijnen BV, Atlantic Container Line AB, Star Shipping A/S (dba Atlanticargo), Deppe Linie GmbH & Co., Euro-Gulf International, Inc., Transportacion Maritime Mexicana S.A. de C.V.

Synopsis: The proposed amendment deletes Compagnie Generale Maritime as party to the Agreement; changes the address of Atlantic Container Line AB; and substitutes the reference to the address of the Trans-Atlantic Agreement for those of the USA-North Europe Rate Agreement and the North Europe-USA Rate Agreement.

Agreement No.: 224-200700.

Title: San Francisco/National Shipping Corporation of the Philippines Terminal Agreement.

Parties: San Francisco Port Commission ("Port"), National Shipping Corporation of the Philippines ("NSCP").

Synopsis: The Agreement is a non-exclusive berthing agreement which provides for NSCP's use of facilities at the Port's North Container Terminal for an initial period of five years.

Dated: October 20, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-25814 Filed 10-23-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Comerica Incorporated, et al.; Notice of 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 November 19, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Comerica Incorporated, Detroit, Michigan; to engage *de novo* through its subsidiary, William Street Apartments Limited Partnership, Ann Arbor, Michigan, in investing in a low income housing project pursuant to § 225.25(b)(6) of the Board's Regulation Y. This activity will be conducted in Ann Arbor, Michigan.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Scott County Bancorp, Inc., Winchester, Illinois; to acquire an equity interest of at least 7.86 percent of Arizona Reconstruction Finance Company, L.L.C., c/o Southwest Bancorp, Inc., Worth, Illinois, and thereby engage *de novo* in the acquisition, servicing, collection and liquidation of certain loans and loan related assets currently owned or originated by Founders Bank of Arizona, Scottsdale, Arizona, pursuant to §§ 225.25(b)(1) and (b)(23) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-25868 Filed 10-23-92; 8:45 am]

BILLING CODE 6210-01-F

Fairview Bancorporation, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding

company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments on this application must be received not later than November 19, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Fairview Bancorporation, Inc., Fairview, Montana; to become a bank holding company by acquiring 85 percent of the voting shares of Fairview Bank, Fairview, Montana.

Board of Governors of the Federal Reserve System, October 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-25869 Filed 10-23-92; 8:45 am]

BILLING CODE 6210-01-F

First Union Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 19, 1992.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. First Union Corporation, Charlotte, North Carolina; to acquire PSFS Thrift Holding Company, Philadelphia, Pennsylvania, and its subsidiary, Meritor Savings, F.A., Winter Haven, Florida, and thereby engage in owning and operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-25870 Filed 10-23-92; 8:45 am]

BILLING CODE 6210-01-F

John G. Schmid, 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 November 16, 1992.

A. 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 for a total of 33.20 percent, and Grant Morton Insurance Agency, Inc., Carson, North Dakota; to acquire 4.87 percent of the voting shares of Grant County Bancorporation, Inc., Carson, North Dakota, and thereby indirectly acquire Grant County State Bank, Carson, North Dakota.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Martin Schifferdecker, and Sandra Schifferdecker, both of Girard, Kansas; to acquire an additional 2.9 percent of the voting shares of G.N. Bankshares, Inc., Girard, Kansas, for a total of 27.5 percent, and thereby indirectly acquire Girard National Bank, Girard, Kansas.

Board of Governors of the Federal Reserve System, October 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-25872 Filed 10-23-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of December 1992.

Name: Subcommittee on Process of the Advisory Commission on Childhood Vaccines.

Date and Time: December 1, 1992, 1 p.m.–6 p.m. (Tentative)

Place: Conference Room B, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

Purpose: This subcommittee is responsible for seeking, receiving, and analyzing systematic feedback (from interested parents' groups, petitioners' attorneys, etc.) on the implementation of the Vaccine Injury Compensation Program (VICP) and for making recommendations to the full Commission for appropriate changes in the system in order to improve the processes and

procedures used by the various parties involved in the VICP.

Agenda: The Subcommittee will seek input and feedback (from interested parents' groups, petitioners' attorneys, etc.) on the implementation of the VICP in order to make recommendations (if any) to the full Commission for appropriate changes to the VICP.

Note: For those persons that would be interested in attending or participating in this subcommittee meeting, please contact Mr. Matthew Barry, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, room 7-02, 6001 Montrose Road, Rockville, Maryland 20852, Telephone (301) 443-6593, prior to December 1 to confirm the meeting and the agenda.

* * * * *

Name: Scientific Review Subcommittee of the Advisory Commission on Childhood Vaccines.

Date and Time: December 2, 1992, 3:30 p.m.-5:30 p.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

Purpose: This Subcommittee will review statistics from all sources (the Compensation System, Vaccine Adverse Events Reporting System (VAERS), the U.S. Claims Court, etc.) that can give any reason for any alterations (additions, subtractions, or revisions) in the Vaccine Injury Table. The Subcommittee will consider any applications for inclusion of additional vaccines and associated events to the table and make recommendations on these to the Commission. All recommendations by the Subcommittee will be considered by the full Commission and, if accepted, will be forwarded to the Secretary. This Subcommittee will also be the first line of study for all outside studies and literature reports with subjects affecting the Vaccine Injury Table.

Agenda: This Subcommittee will discuss and review military data on vaccine reactions and they will receive an update on the ongoing section 313 study.

* * * * *

Name: Financial Review Subcommittee of the Advisory Commission on Childhood Vaccines.

Date and Time: December 2, 1992, 3:30 p.m.-5:30 p.m.

Place: Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

Purpose: The Subcommittee reviews quarterly with the administrative staff, the financing of the Vaccine Injury Compensation Trust Fund, the output of funds resulting from each vaccine and each adverse event, and the relationship of each vaccine and each adverse event to the rate of depletion of the Trust Fund. If these studies justify any increase or any decrease of surtax for each vaccine, these recommendations can be made to the full commission and if accepted, can be forwarded to the Secretary.

Agenda: The Subcommittee will discuss and review the status of funding and spending on pre-1988 awards and the status of the Trust Fund. The Subcommittee will review a report comparing receipts posted to the Trust Fund by vaccine type to awards paid by vaccine type to examine the appropriateness of the current excise taxes in comparison to the vaccine-specific award experience.

* * * * *

Name: Advisory Commission on Childhood Vaccines.

Date and Time: December 2, 1992, 8:45 a.m.-3:15 p.m.; December 3, 1992, 9 a.m.-12 p.m.

Place: Conference Rooms G & H, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The meeting is open to the public.

Purpose: The Commission: (1) Advises the Secretary on the implementation of the Program, (2) on its own initiative or as the result of the filing of a petition, recommends changes in the Vaccine Injury Table, (3) advises the Secretary in implementing the Secretary's responsibilities under section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions, (4) surveys Federal, State, and local programs and activities relating to the gathering of information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b), and advises the Secretary on means to obtain, compile, publish, and use credible data related to the frequency and severity of adverse reactions associated with childhood vaccines, and (5) recommends to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the National Vaccine Injury Compensation Program.

Agenda: Agenda items for the full commission will include, but not be limited to: The routine Program reports, reports from the National Vaccine Program and the National Vaccine Advisory Committee (NVAC), reports from the ACCV Subcommittees, a brief presentation by the Assistant Secretary for Health, and a presentation on the effect of compensation awards on the eligibility of award recipients to receive other insurance and financial assistance.

Note: Following the noon adjournment of the December 3 ACCV meeting, the Department will be holding a public hearing from 1-5 p.m. in Conference Room G on the Notice of Proposed Rulemaking entitled "National Vaccine Injury Compensation Program: Revision of the Vaccine Injury Table." This was published in the **Federal Register** on August 14.

Public comment will be permitted at the respective subcommittee meetings on December 1 and 2 before they adjourn in the evening; before noon and at the end of the full Commission meeting on December 2; and also before noon of the second day, December 3. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to Mr. Matthew Barry, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, room 702, 6001 Montrose Road, Rockville, Maryland 20852, Telephone (301) 443-6593.

Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Division of Vaccine Injury Compensation will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for presentation, but desire to make an oral statement, may sign up in Conference Rooms B, G, & H before 2 p.m., December 1, and before 10 a.m. on December 2 and 3. These persons will be allocated time as time permits.

Anyone requiring information regarding the subject Commission should contact Mr. Matthew Barry, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, room 7-02, 6001 Montrose Road, Rockville, Maryland 20852, Telephone (301) 443-6593.

Agenda Items are subject to change as priorities dictate.

Dated: October 20, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-25813 Filed 10-23-92; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

National Park Service

Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistence resource commission meeting.

SUMMARY: The Superintendent of Aniakchak National Monument and the Chairperson of the Subsistence Resource Commission for Aniakchak National Monument announce a forthcoming meeting of the Aniakchak National Monument Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Introduction of commission members and guests.

(2) Superintendent's welcome:

a. Review of SRC function and purpose.

b. Aniakchak National Monument subsistence management report.

(3) Old Business:

a. Review and approve minutes from

last meeting.
b. Status of subsistence hunting plan recommendations.
c. Review Aniakchak National Monument map.
(4) New Business:
a. Federal subsistence program update.
b. Aniakchak National Monument Resource Management Plan subsistence section update.
c. Public and other agency comments.
(5) Subsistence hunting program recommendations work session:
a. Identify Monument subsistence hunting issues.
b. Draft recommendations.

Date: The meeting will begin at 9 a.m. on Thursday, November 5, 1992, and conclude around 5 p.m. The meeting will reconvene at 8:30 a.m. on Friday, November 6, 1992, and conclude around 12 p.m.

Location: The meeting will be held at the National Park Service Office, King Salmon, Alaska.

FOR FURTHER INFORMATION CONTACT: Alan D. Eliason, Superintendent, Aniakchak National Monument, P.O. Box 7, King Salmon, Alaska 99613. Phone (907) 246-3874.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96-487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

John Morehead,
Regional Director.

[FR Doc. 92-25819 Filed 10-23-92; 8:45 am]

BILLING CODE 4310-70-M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7 p.m., on Wednesday, November 18, 1992, at the Barataria Preserve Unit, 7400 Highway 45, Marrero, Louisiana.

The Delta Region Preservation Commission was established pursuant to section 907 of Public Law 95-625 (16 U.S.C. 230f), as amended, to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park and Preserve, and in the implementation and development of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

—Fiscal Year 1993 programs
—General Management Plan update
—New facility openings
—Old Business
—New Business

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park and Preserve.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact Robert Belous, Superintendent, Jean Lafitte National Historical Park and Preserve, U.S. Customs House, 423 Canal Street, room 210, New Orleans, Louisiana 70130-2341, Telephone 504/589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park and Preserve.

Dated: October 14, 1992.

Ernest Ortega,
Acting Regional Director, Southwest Region.

[FR Doc. 92-25817 Filed 10-23-92; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-539 A through F (Final)]

Uranium From Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan

AGENCY: United States International Trade Commission.

ACTION: Suspension of investigations.

SUMMARY: On October 20, 1992, the Department of Commerce notified the Commission of Commerce's suspension of its antidumping investigations on uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan. The bases for the suspensions are agreements between Commerce and the Governments of Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan to restrict the volume of direct or indirect exports to the United States in order to prevent the suppression or undercutting of price levels of United States domestic uranium. Accordingly, the United States International Trade Commission gives notice of the suspension of its antidumping investigations involving imports from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan of uranium, provided for in subheadings 2612.10.00, 2844.10.10, 2844.10.20, 2844.10.50, and 2844.20.00 of the Harmonized Tariff Schedule of the United States.

EFFECTIVE DATE: October 21, 1992.

FOR FURTHER INFORMATION CONTACT: Tedford Briggs (202-205-3181), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Authority: These investigations are being suspended under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

Issued: October 21, 1992.

By order of the Commission.

Paul R. Bardos,
Acting Secretary.

[FR Doc. 92-25893 Filed 10-23-92; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Don Wolfrey, on (202) 514–4115. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Don Wolfrey, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Application to Replace Alien Registration Card.

(2) I–90. Immigration and Naturalization Service.

(3) On occasion.

(4) Individuals or households. The I–90 information is used to determine eligibility for a replacement Alien Registration Card.

(5) 1,300,000 annual responses at .9 hours per response.

(6) 1,170,000 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: October 20, 1992.

Don Wolfrey,

Department Clearance Officer, Department of Justice.

[FR Doc. 92–25820 Filed 10–23–92; 8:45 am]

BILLING CODE 4410–10–M

LEGAL SERVICES CORPORATION

Designation of Recipient for the Provision of Civil Legal Services in North Carolina

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to award grant.

SUMMARY: The Legal Services Corporation hereby announces its intention to designate Legal Services of North Carolina as the regular, annualized provider of civil legal assistance to the LSC-eligible client population in the counties of Buncombe, Henderson, Madison, Polk, Rutherford and Transylaniva, North Carolina. This will become effective with the 1993 grant year.

Grants awarded will be pursuant to authority conferred by section 1006(a)(1)(A) of the Legal Services Corporation Act of 1974, as amended. This public notice is issued with a request for comments and recommendations within a period of thirty (30) days from the date of publication of this notice.

DATES: All comments and recommendations must be received by 5 p.m. November 25, 1992.

ADDRESSES: Comments should be sent to the Office of Field Services, Legal Services Corporation, 750 First Street, NE., 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Jay Brown, Grants Specialist, Grants and Budget Division, Office of Field Services, (202) 336–8828.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation is the national organization charged with administering federal funds provided for civil legal service to the poor. The Legal Services of North Carolina has been providing civil legal services to the aforementioned counties since under a contract arrangement with the Legal Services Corporation.

The amount of the 1993 grant will be consistent with the basic field portion of the 1993 LSC Appropriations Act, which mandates that the grant amount will be based on the service area's poverty population derived from the 1990 census, but no less than the 1992 contract amount ($430,016).

Dated: October 22, 1992.

Ellen J. Smead,

Director, Office of Field Services.

[FR Doc. 92–26036 Filed 10–23–92; 8:45 am]

BILLING CODE 7050–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 92–69]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's), supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

DATES: Comments are requested by November 25, 1992. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Mr. D.A. Gerstner, NASA Agency Clearance Officer, Code JTD, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700–0049), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (202) 358–1374.

Reports

Title: Grant regulations—Financial Monitoring and Control.

OMB Number: 2700–0049.

Type of Request: Revision.

Frequency of Report: On occasion, monthly, quarterly, annually.

Type of Respondent: Non-profit institutions.

Number of Respondents: 6,772.

Responses per Respondent: 4.

Annual Responses: 27,088.

Hours per Response: 6.1.

Annual Burden Hours: 165,565.

Number of Recordkeepers: 5,291.

Annual Hours per recordkeeper: 16.

Total recordkeeping hours: 84,656.

Total annual burden: 250,221.

Abstract-Need/Uses: Financial recordkeeping and reporting are required to ensure proper accountability for and use of NASA-provided funds.

Dated: October 19, 1992.

D.A. Gerstner,

Chief, IRM Policy and Acquisition Management Office.

[FR Doc. 92–25865 Filed 10–23–92; 8:45 am]

BILLING CODE 7510–01–M

[Notice 92-70]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's), supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

DATES: Comments are requested by November 25, 1992. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Mr. D.A. Gerstner, NASA Agency Clearance Officer, Code JTD, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700-0047), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (202) 358-1374.

Reports

Title: Grants regulations—Property Management and Control.

OMB Number: 2700-0047.

Type of Request: Revision.

Frequency of Report: Recordkeeping, on occasion, annually.

Type of Respondent: Non-profit institutions.

Number of Respondents: 1,764.

Responses per Respondent: 2.

Annual Responses: 3,528.

Hours per Response: 1.23.

Annual Burden Hours: 4,339.

Number of Recordkeepers: 5,291.

Annual Recordkeeping Burden Hours: 116,402.

Total Annual Burden Hours: 120,741.

Abstract-Need/Uses: Property records and reporting are required to ensure appropriate utilization, safekeeping, accountability and control for items provided by NASA or acquired with NASA-provided funds.

Dated: October 19, 1992.

Diets A. Gerstner,

Chief, IRM Policy and Acquisition Management Office.

[FR Doc. 92-25866 Filed 10-23-92; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit application received under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit application received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 23, 1992. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Thomas F. Forhan at the above address or (202) 357-7817.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The applications received are as follows:

1. Applicant

Norman D. Vaughan, Mount Vaughan Antarctic Expedition, Inc., 4141 B Street, Suite 408, Anchorage, AK 99503.

Activity for Which Permit Requested

Introduction of Non-Indigenous Species into Antarctica. The applicant requests a permit to transport 22 Alaskan Husky sled dogs by airplane from the United States via Punta Arenas, Chile, to a base camp in the Patriot Hills area of Antarctica, and then to a location ten miles inland from the Bay of Whales, Antarctica. The dogs will then be used for a traverse to Mount Vaughan, Antarctica, and then flown back to the Patriot Hills. From there, they will be flown back to the United States via Chile.

The dogs will have current innoculations for distemper, contagious canine hepatitis, rabies and Leptospirosis. The dogs will be fed commercial dog food which will be cached along the route. The applicant intends to bury all dog waste in Antarctica.

The Mount Vaughn Antarctic Expedition Inc. is a non-profit educational corporation with a two-fold mission: (1) To go to the Queen Maud Mountains, Antarctica, and climb Mount Vaughn, and (2) send daily status reports to the Center for Global Environmental Education, St. Paul, Minnesota, for dissemination to schools and their students.

Location

Patriot Hills, Ross Ice Shelf, Queen Maud Mountains, Antarctica.

Dates

11/01/93-12/31/93

2. Applicant

John L. Bengtson, National Marine Mammal Laboratory, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., Seattle, WA 98115.

Activity for Which Permit Requested

Taking. Enter Site of Special Scientific Interest. Import Into and Export From the United States. Pinniped research to be conducted consists of ship-supported studies in the circumpolar pack ice zone and land-based studies at selected sites around the continent, particularly in the region of the Antarctic Peninsula. A primary objective is to study the feeding ecology, reproduction, and population dynamics of Antarctic seals and to examine their role in the marine ecosystem.

When logistically possible, time-depth recorders, radio transmitters, and satellite-linked electronics will be deployed on seals of various species to monitor their feeding and diving behavior. Instruments will be fastened to the pelage on the backs of individuals using cyanoacrylic glue and/or quick-setting epoxy, as has been successfully used in previous seasons. Recorders will be retrieved from seals up to 90 days after initial deployment. Those packages not recovered will be shed from the seals' backs at their next molt. Shore-based studies and surveys will investigate the numbers, behavior, and activity patterns of Antarctic fur seals and southern elephant seals. To facilitate the census work, temporary paint or bleach marks may be applied to seals hauled out in the survey area. Selected individuals may be tagged to assist identification and to monitor migrations. An unspecified number of seabirds and seals may be incidentally disturbed during research; efforts will be made to avoid or minimize such disturbance.

Permission is requested to enter Cape Shirreff and Byers Peninsula on Livingston Island to study pinnipeds and seabirds. A comprehensive census of these populations was conducted during the 1986/87 austral summer, and repeat censuses are being planned for future seasons. In addition, studies of seabirds and pinnipeds, as described above, may be undertaken at Cape Shirreff as part of the CCAMLR Ecosystem Monitoring Program (CEMP). We wish to conduct directed research and monitoring of fur seals and seabirds at Cape Shirreff in accordance with CEMP recommendations. There is a possibility of recently-established fur seal rookeries within the vicinity of the Byers Peninsula, and periodic censuses of the area would be desirable. At both sites, care would be taken to minimize disturbance to terrestrial habitats and lifeforms. All activities to be conducted would comply with the approved SSSI management plans in force for each area.

To optimize the use of specimen material previously collected from Antarctic pinnipeds, permission is requested to allow exchange of specimen material among researchers in various nations. Specifically, we wish to: (1) Import Antarctic pinniped specimen material into the U.S., and (2) export Antarctic pinniped specimen material out of the U.S. to investigators collaborating in other countries. Authorization is requested to import and export previously collected specimen material from all six species of Antarctic pinnpeds between the U.S. and other nations who have acceded to the Antarctic Treaty and the Convention for the Conservation of Antarctic Seals. Accession to these treaties will ensure that specimens collected by foreign scientists will have been collected in compliance with the provisions of these two conventions.

Location

Circumpolar pack ice areas and sites ashore, Antarctic Peninsula region, South Shetland Islands, vicinity; Sites of Special Scientific Interest to be entered are Cape Shirreff and Byers Peninsula, Livingston Island. Access will be by ship, boat, or helicopter (overflight of rookeries will be avoided).

Dates

01/01/93–12/31/94.

Thomas F. Forhan,

Permit Office, Division of Polar Programs.

[FR Doc. 92–25845 Filed 10–23–92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published September 23, 1992 (57 FR 43987). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS and ACNW full Committee meetings designated by an asterisk (*) will be closed in whole or in part to the public. The ACRS and ACNW full Committee meetings begin at 8:30 a.m. and ACRS subcommittee, and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS and ACNW full Committee meetings, and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the November 1992 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: (301) 492–4600 (recording) or (301) 492–7288, Attn: Barbara Jo White) between 7:30 a.m. 4:15 p.m., eastern time.

ACRS Subcommittee Meetings

Safety Philosophy, Technology, and Criteria, October 28, 1992, Bethesda, MD. The Subcommittee will review revision 2 to NUREG/BR–0058, Regulatory Analysis Guidelines, and guidelines for prioritization of generic safety issues.

Plant Operations, November 4, 1992, Bethesda, MD—Postponed to December 9, 1992.

Planning and Procedures, November 4, 1992, Bethesda, MD (3 p.m.–5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Advanced Boiling Water Reactors, November 18–19, 1992, Bethesda, MD. The Subcommittee will continue its review of the Final Safety Evaluation Report (FSER) for the ABWR design.

Advanced Pressurized Water Reactors, December 8, 1992, Bethesda, MD—Postponed to February 10, 1993.

Joint Control and Electrical Power Systems/Probabilistic Risk Assessment, December 8, 1992, Bethesda, MD. The Subcommittees will review the proposed final amendment to the Station Blackout Rule (10 CFR 50.63) and the associated Regulatory Guide 1.9, revision 3, regarding the reliability of diesel generators.

Note: This meeting was previously scheduled for December 9, 1992.

Plant Operations, December 9, 1992, Bethesda, MD. The Subcommittee will discuss proposed changes to the Systematic Assessment of Licensee Performance (SALP) program included in SECY–92–290 as well as issues and concerns associated with the overall SALP process.

Planning and Procedures, December 9, 1992, Bethesda, MD (3 p.m.–5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS

will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Control and Electrical Power Systems, January 6, 1993, Bethesda, MD. The Subcommittee will review the NRC staff's proposed resolution of Generic Issue 120, "Online Testability of Protection Systems."

Planning and Procedures, January 6, 1993, Bethesda, MD (3 p.m.–5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Advanced Pressurized Water Reactors, February 10, 1993, Bethesda, MD. The Subcommittee will review the NRC staff's Draft Safety Evaluation Report (DSER) for certification of the ABB CE Systems 80+ Design.

ACRS Full Committee Meetings

391st ACRS Meeting, November 5–7, Bethesda, MD. Items are tentatively scheduled.

A. *Insights from Common Mode Failure Events*—Briefing by and discussion with representatives of the NCR staff regarding an analysis of selected common mode failure events.

B. *Analysis of the Human Factors Aspects of Operating Events*—Briefing by and discussion with representatives of the NRC staff regarding onsite evaluation team work related to analyzing human factors aspects of selected operating events. Representatives of the nuclear industry will participate, as appropriate.

C. *Regulatory Analysis Guidelines*—Review and report on proposed revision 2 to NUREG/BR–0058, Regulatory Analysis Guidelines for U.S. NRC Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

*D. *Meeting with the Director, NRC Office of Nuclear Material Safety and Safeguards (MNSS)*—Meeting with Director, NMSS, to discuss items of mutual interest, including matters such as the status of NRC and industry proposals for revised security requirements for nuclear power plants, status of the high level waste storage and disposal programs, and regulatory changes as a result of the incident which occurred at the GE Wilmington Facility.

E. *Rich-Based Regulation/Fitzpatrick Nuclear Plant IPE*—Briefing by and discussion with representatives of the New York Power Authority (NYPA) regarding NYPA's views of risk-based regulation and the results of the Fitzpatrick Individual Plant Examination (IPE) and its relationship to the NRC Diagnostic Evaluation Team review of this plant. Representatives of the NRC staff will participate, as appropriate.

*F. *Reactor Operating Experience*—Briefing by and discussion with representatives of the NRC staff regarding events at operating nuclear power plants, including loss of high-head safety injection pumps at the Shearon Harris nuclear plant, and an Augmented Inspection Team (AIT) evaluation of an incident at the LaSalle nuclear station. Report by the cognizant Subcommittee Chairman regarding a recent incident at the Fukushima nuclear plant in Japan during which reactor condensate and feedwater pumps were inadvertently turned off. Representatives of the nuclear industry (licensees) will participate, as appropriate.

G. *Risk-Based Regulation*—Review and report on the NRC staff's proposal on risk-based regulation. Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

H. *Prioritization of Generic Safety Issues*—Review and comment on guidelines proposed by the NRC staff for prioritization of generic safety issues. Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

I. *Environmental Qualification of Safety-Grade Digital Computer Protection and Control Systems*—Discuss proposed ACRS report on the nature of the NRC research program to qualify safety-grade digital computer protection and control systems proposed for use in nuclear power plants. Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

J. *Activities of ACRS Subcommittees and Members*—Reports and discussion regarding assigned Subcommittee activities including a report of the ACRS Planning and Procedures Subcommittee regarding conduct of the Committee activities.

*K. *Appointment of New Members*—Discuss qualifications for nominees for vacancies during 1993 and qualifications of candidates nominated for appointment to the ACRS.

L. *Reconciliation of ACRS Comments and Recommendations*—Discuss replies from the NRC Executive Director for Operations regarding the NRC staff reaction to ACRS comments and recommendations.

M. *Future ACRS Activities*—Discuss topics proposed by the ACRS Planning and Procedures Subcommittee for consideration by the full Committee.

N. *Miscellaneous*—Discuss miscellaneous matters related to the conduct of Committee activities and complete discussion of topics that were not completed at previous sessions as time and availability of information permit.

392nd ACRS Meeting, December 10–12, 1992, Bethesda, MD. Agenda to be announced.

393rd ACRS Meeting, January 7–9, 1993, Bethesda, MD. Agenda to be announced.

394th ACRS Meeting, February 11–13, 1993, Bethesda, MD. Agenda to be announced.

ACNW Full Committee and Working Group Meetings

ACNW Working Group on the Impact of Long-Range Climate Change in the Area of the Southern Basin and Range, November 18, 1992, Bethesda, MD. The Working Group will focus on the significance of climate change as it may impact the performance of the proposed Yucca Mountain repository over the next 10,000 years. Specific topics include data identification, acquisition, and interpretation, which can be used to predict potential changes to natural conditions at the site. Quality assurance and use of data in developing and validating computer models for predicting global and regional climate, as well as for characterizing the uncertainty in such predications will also be discussed.

48th ACNW Meeting, November 19–20, 1992, Bethesda, MD. Items are tentatively scheduled.

A. Prepare a response to a supplemental request from Chairman Selin on a systems analysis approach for reviewing the overall high-level waste program.

B. Discuss with a representative of the Connecticut Department of Health Services the role and perspectives of a State Department of Health regarding the siting of a low-level waste disposal facility.

C. Review a staff technical position on fault avoidance.

D. Hear a briefing on a national profile of mixed wastes.

E. Hear a briefing on the current status of enhanced participatory rulemaking related to residual levels of radionuclides acceptable following decontamination of facilities.

F. Consider potential impacts that different waste forms could have on repository performance.

*G. Meet with the Director General of the British Nuclear Forum to discuss items of mutual interest.

H. Discuss the use of the collective dose concept in high-level waste repository licensing.

I. Discuss administrative matters related to Committee activities and items that were not completed at previous meetings as time and availability of information permit.

ACNW Working Group on Performance Assessment, December 16, 1992, Bethesda, MD. The Working Group will hear a briefing by DOE representatives regarding the status of the DOE's Total System Performance Assessment. Also, this Group will discuss the progress of phase 2 of the HLW Iterative Performance Assessment effort by NRC.

49th ACNW Meeting, December 17–18, 1992, Bethesda, MD. Agenda to be announced.

50th ACNW Meeting, January 27–28, 1993, Bethesda, MD. Agenda to be announced.

51st ACNW Meeting, February 24–25, 1993, Bethesda, MD. Agenda to be announced.

Dated: October 20, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92–25862 Filed 10–23–92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–259, 50–260, and 50–296]

Tennessee Valley Authority; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DRP–33, DRP–52 and DRP–68, issued to the Tennessee Valley Authority (the licensee), for operation of the Browns Ferry Nuclear Plant located in Limestone County, Alabama.

The proposed amendment would revise Technical Specifications (TS) Section 3.4/4.2 to reflect plant modification for upgrading the Reactor and Refuel Zone Radiation Monitoring System. This system upgrade will include replacement of existing analog monitors with digital equipment from the General Electric Nuclear Measurement Analysis and Control line of products.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 25, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Athens Public Library, South Street, Athens, Alabama 35611. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent to 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 pre-hearing conference scheduled in the proceeding, but such as amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Frederick J. Hebdon, petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to General Counsel,

Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated July 23, 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 Athens Public Library, South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland, this 19th day of October 1992.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Director, Project Directorate II–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–25861 Filed 10–23–92; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Final Sequestration Report

AGENCY: Office of Management and Budget.

ACTION: Notice of transmittal of final sequestration report to the President and Congress.

SUMMARY: Pursuant to section 254(b) of the Balanced Budget and Emergency Control Act of 1985, as amended, the Office of Management and Budget hereby reports that it has submitted its Final Sequestration Report to the President, the Speaker of the House of Representatives, and the President of the Senate.

FOR FURTHER INFORMATION CONTACT: Arthur W. Stigile, Budget Analysis Branch—202/395–3945.

Dated: October 21, 1992.

James C. Murr,

Associate Director for Legislative Reference and Administration.

[FR Doc. 92–25950 Filed 10–23–92; 8:45 am]

BILLING CODE 3110–01–M

PEACE CORPS

Submission of Public Use Form for Review by the Office of Management and Budget

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C., chapter 35), the Office of World Wise Schools of the Peace Corps has submitted to the Office of Management and Budget a request to approve the use of a Returned Peace Corps Volunteer enrollment form. This form is completed voluntarily by Returned Peace Corps Volunteers and collects information which will be compiled into a database and used in response to teachers seeking a classroom speaker or resource for country specific information. This will enable the Office of World Wise Schools to increase the involvement of the returned Volunteer community in the program and provide documentation of Third goal activities as mandated by section 2 of the Peace Corps Act.

Information About the Enrollment Form

Agency address: Peace Corps of the United States, 1990 K Street, NW., Washington, DC 20526.

Title agency number: WWS/RPCV Enrollment Brochure.

Type of request: New collection.

Frequency of collection: On occasion for one time enrollment.

General description of respondents: All returned Peace Corps Volunteers.

Estimated number of respondents: 40,000.

Estimated hours for respondents to furnish information: 0.05 hours each.

Respondents' obligation to reply: Voluntary.

Comments: Comments on this form should be directed to Sue Anne Athens, Program Coordinator, Office of World Wise Schools, Washington, DC 20526.

A copy of this form may be obtained from Sue Anne Athens, Office of World Wise Schools, Peace Corps, telephone (202) 606–3294. This notice is issued in Washington, DC on , 1992.

Joan Ambre,

Acting Associate Director for Management.

[FR Doc. 92–25838 Filed 10–23–92; 8:45 am]

BILLING CODE 5851–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31331; File No. SR–NSCC–92–11]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by National Securities Clearing Corporation Relating to Modification of NSCC's Rule 16

October 19, 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 National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. 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

Modify NSCC's Rule 16, Settlement of Commissions, as follows:

Italics indicate addition
[Brackets] indicate deletion

Rule 16. All payments of commissions due on business when a principal is given up between Members and Non-Clearing Members shall be settled monthly as follows:

(3) Each payer shall promptly verify such bill and shall not later than 12 noon on the 10th day of each month, if a business day, otherwise on the next succeeding business day or on such other day as the Corporation shall determine, deliver to the Corporation such [forms and documents] *information in such form* as the Corporation may prescribe *from time to time*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the

[1] 15 U.S.C. 78s(b)(1) (1988).

most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently, participants in NSCC's commission bill service submit commission bills, in paper form, to NSCC indicating the amount the participant is to be debited and to whom the offsetting value is to be credited. The proposed rule change will permit a participant to submit the commission bill using automated means such as the P.C.

The proposed rule change will eliminate unnecessary paper from the Corporation's clearance and settlement process and accordingly will permit NSCC to effect clearance and settlement in a more efficient manner. Thus, this change is consistent with the requirements of the Act, specifically Act section 17A(b)(3)(F).

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder because it effects a change in an existing service of NSCC that (i) does into adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and (ii) does not significantly affect the respective rights and obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written 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 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 NSCC. All submissions should refer to file number SR-NSCC-92-11 and should be submitted by November 16, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-25836 Filed 10-23-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19034; International Series Rel. No. 475; 812-7748]

The First Philippine Fund, Inc.; Application

October 16, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANT: The First Philippine Fund, Inc.

RELEVANT ACT SECTIONS: Order requested under section 10(f) granting an exemption from that section.

SUMMARY OF APPLICATION: Applicant seeks an order to permit it to purchase Philippine securities during the existence of an underwriting syndicate in which an affiliated person of applicant's subadviser and if one of its directors is a principal underwriter.

FILING DATES: The application was filed on July 2, 1991 and amendments on November 15, 1991 and September 14, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 10, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 767 Third Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, at (202) 272-2190 or Barry D. Miller, Senior Special Counsel, at (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a Maryland corporation, is a registered closed-end management investment company. Applicant's investment objective is long-term capital appreciation through investment primarily in equity securities of Philippine companies. Under normal conditions, at least 80% of applicant's total assets will be invested in publicly traded Philippine equity securities. The remainder of the applicant's assets will be invested in certain dollar-denominated fixed-income securities of United States issuers (including securities subject to repurchase agreements), as well as short-term debt securities of the Philippine Government, deposits in Philippine banks having shareholders' equity of at least $50 million, and Philippine money market instruments. The Fund may also invest in other companies that have substantial Philippine assets or income.

2. Applicant has entered into an investment advisory agreement (the "Investment Advisory Agreement") with Clemente Capital, Inc. ("Clemente Capital makes the investment decisions on behalf of the Fund, including the selection of, and placement of orders with, brokers, dealers, and banks to execute portfolio transactions on behalf of the Fund. Under the Investment

Advisory Agreement, applicant pays Clemente Capital a fee at the annual rate of 1% of the Fund's average weekly assets.

3. PNB Investments Limited is applicant's Philippine adviser, providing Clemente Capital with investment advice, research, and assistance pursuant to a research agreement with the Investment Adviser. For its services, PNB Investments receives from Clemente Capital a fee at an annual rate of .35% of the Fund's average weekly net assets. PNB Investments is also a wholly-owned subsidiary of the Philippine National Bank ("PNB"), the largest commercial bank in the Philippines. Accordingly, PNB Investments is an "affiliated person" of PNB within the meaning of section 2(a)(3) of the Act. In addition, the president of PNB is also a director of applicant.

4. Because Philippine law imposes nationality restrictions on the ownership of certain Philippine equity securities, applicant will invest in Philippine securities through a trust arrangement (the "Philippine Trust") between applicant and PNB (the "Trustee"). The applicant's assets held in the Philippine Trust will be invested in accordance with instructions from Clemente Capital. The Trustee will have no independent investment discretion. Through the Philippine Trust, applicant can invest in Philippine equity securities that would otherwise only be available to Philippine nationals. Pursuant to the trust agreement, the Trustee receives a monthly fee at the annual rate of .15% of the applicant's average weekly net assets held in the Philippine Trust, subject to a minimum annual fee of $150,000, for administration of the Philippine Trust.

5. The Fund has been advised that, while PNB and its affiliates have not played a major role as an underwriter of Philippine stock offerings in the past, PNB intends to become much more active in future equity underwritings.

Applicant's Legal Analysis

6. Section 10(f) of the Act provides, in part, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is a director or an investment adviser of such registered company, or is a person of which any such investment adviser or director is an affiliated person. Because an affiliate of PNB is an investment adviser of the applicant, and a director of the applicant is also the president of PNB, applicant is prohibited from purchasing securities for its portfolio during the existence of an underwriting syndicate in which PNB or any of its affiliates are principal underwriters.

7. Rule 10f-3 exempts a transaction from the provisions of section 10(f) if certain conditions are met. Subparagraph (a)(1) of rule 10f-3 requires that the securities purchased be part of an issue registered under the Securities Act of 1933 (the "Securities Act"). The security offerings in the Philippines are not required to be, and will not be, registered under the Securities Act. Accordingly, applicant cannot meet the above condition; however, applicant represents that it will be able to satisfy all of the other conditions of rule 10f-3 with regard to public offerings in the Philippines.

8. Public offerings of securities in the Philippines are conducted in accordance with regulations promulgated by the Philippine Securities and Exchange Commission ("Philippine SEC") and rules promulgated by the two Philippine stock exchanges, the Manila and Makati Stock Exchanges (the "Philippine Exchanges"). Applicant represents that these rules and regulations are intended to ensure that a wide group of offerees will take part in an offering, that the price offered to each of the offerees is the same, and that the securities will be offered to and purchased by unaffiliated persons on the same terms as the other participants in the offering.

9. A company wishing to issue securities to the public is required to file a registration statement with the Philippine SEC setting forth information about the company, its business, and its management. This information must be periodically updated. Failure to comply with the Philippine SEC reporting requirements may result in a penalty, usually in the form of a fine. Prior to a public offering, the issuer or any dealer or underwriter interested in the sale of the securities must file with the Philippine SEC a sworn registration statement containing or having attached thereto the detailed information and documents required under the Philippine Securities Act and applicable rules and regulations of the Philippine SEC. The registration statement is required to state a price at which the securities are to be sold. Once the Philippine SEC declares the registration statement effective, the issuer and the underwriter cannot deviate from the price stated in the registration statement. Accordingly, the initial securities offering will be made available to all offerees at a single price.

10. Under Philippine law, an issuer or underwriter may only offer securities pursuant to the stated terms of the prospectus. Consequently, any securities issued in connection with a public offering in the Philippines will be offered to unaffiliated persons on the same terms as any other participant in the offering.

11. Public offerings in the Philippines are underwritten by investment houses and commercial banks with universal banking licenses. If the securities are to be listed on the Philippine Exchanges, approximately 25% of the company's subscribed shares (or shares offered to be subscribed through an underwriter) are offered to the public through the Philippine Exchanges for distribution to the public by their members ensuring that the securities are offered to a wide group of offerees. In addition, the Philippine Exchanges generally require an issuer to have at least 300 shareholders (subject to certain modifications), have 100 million pesos (approximately $4 million) in authorized capital stock, 25 million pesos (approximately $1 million) in subscribed capital stock and 12.5 million pesos (approximately $500,000) in paid-up capital stock before its securities may be listed.

12. Most Philippine public offerings are conducted on a "standby commitment" basis where the lead underwriter or underwriters commit to purchasing any unsold shares at the completion of the initial offering period. The Philippine Exchanges require such a standby commitment by the underwriter before the issue may be listed on the Philippine Exchanges. Under Philippine law, only institutions authorized to operate as investment houses and universal banks can undertake a standby commitment underwriting.

13. The registration requirement of rule 10f-3 helps ensure that the investment company purchases the offered securities at the public offering price and also indicates that the securities were issued in the ordinary course of business. With respect to publicly offered Philippine securities subject to section 10(f), applicant represents that adequate disclosure is ensured by the various provisions of Philippine securities laws. The policy rationale behind rule 10f-3(a)(1) is satisfied where purchasers and advisers will be receiving all mandated disclosure under Philippine law for public offerings made in the ordinary course of business and where the Fund will be purchasing securities at the initial public offering price. Furthermore, applicant's representations as to distribution, single price, and unaffiliated purchasers as contained in paragraphs 8, 9, 10, and 11 above,

provide for the protection of investors by prohibiting discrimination and predatory practices, and thus make it appropriate to grant an exemption under section 10(f).

14. In light of the foregoing, applicant requests that an order be entered exempting it from section 10(f) on the conditions set forth herein to permit purchases of securities in public offerings in the Philippines in which PNB or any affiliate thereof participates as a principal underwriter. Applicant submits that the granting of this exemptive order is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant's Conditions

Applicant agrees that the order granting the requested relief shall be subject to the following conditions:

1. Any securities purchased in the Philippines under circumstances subject to section 10(f) of the Act will be purchased in a public offering conducted in accordance with the laws of the Philippines;

2. All Philippine issuers whose securities are sought to be purchased by the Fund in a section 10(f) offering will have available to the Fund audited financial statements, prepared in accordance with Philippine standards, for the two years prior to the purchase;

3. The Fund will only participate in Philippine public offerings where section 10(f) applies if the securities are to be listed on the Philippine Exchanges; and

4. With the exception of subsection (a)(1) of rule 10f-3, all other conditions in such rule are satisfied with respect to each purchase made pursuant to such order.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-25837 Filed 10-23-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended October 16, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48407.
Date filed: October 15, 1992.
Parties: Members of the International Air Transport Association.
Subject: Telex—Comp Mail Vote 598, Fare Increase From Morocco.
Proposed Effective Date: January 1, 1993.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-25859 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended October 16, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48402.
Date filed: October 13, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 10, 1992.
Description: Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for renewal of its certificate of public convenience and necessity for Route 378, which authorizes Northwest to engage in foreign air transportation of persons, property and mail between Chicago, Illinois, the intermediate points of Los Angeles, California, San Francisco, California, Seattle, Washington, or Honolulu, Hawaii; an intermediate point in Japan; and the coterminal points Shanghai, Guangzhou and Beijing, China.

Docket Number: 48403.
Date filed: October 13, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 10, 1992.
Description: Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and subpart Q of Regulations, applies for renewal of its certificate of public convenience and necessity for Route 539, which authorizes Northwest to engage in foreign air transportation of persons, property and mail between the coterminal points of Guam and Saipan, Northern Mariana Islands, and Tokyo, Japan.

Docket Number: 48405.
Date filed: October 14, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 12, 1992.
Description: Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for renewal of its certificate of public convenience and necessity for Route 293, which authorizes Northwest to engage in foreign air transportation of persons, property and mail between Detroit, Michigan and Montreal, Quebec, Canada. The authority was most recently renewed in Order 88-2-48, February 4, 1988, effective March 26, 1988, with a five-year term. The authority will expire on March 26, 1993.

Docket Number: 48408.
Date filed: October 16, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 13, 1992.
Description: Application of United Air Lines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations for a certificate of public convenience and necessity to authorize services between Ontario, California, and Mexico City, Mexico.

Docket Number: 48410.
Date filed: October 16, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 16, 1992.
Description: Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests a certificate of public convenience and necessity authorizing it to engage in foreign air transportation of persons, property and mail between Los Angeles, California, and Toronto, Ontario, Canada. Northwest requests that the certificate be granted for a term of five years.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-25858 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

[(Order 92-10-35) Dockets 48298 and 48328]

Applications of Atlas Air, Inc. For Issuance of New Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not

issue an order (1) finding Atlas Air, Inc., fit, willing, and able, and (2) awarding it certificates of public convenience and necessity to engage in interstate, overseas, and foreign scheduled air transportation of property and mail.

DATES: Persons wishing to file objections should do so no later than November 14, 1992.

ADDRESSES: Objections and answers to objections should be filed in Dockets 48298 and 48328 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Janet A. Davis, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

Dated: October 20, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-25860 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 92-060]

Commercial Fishing Industry Vessel Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Act (Pub. L. 92-463; 5 U.S.C. app. I), notice is hereby given of a meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC). The meeting will be held on December 1-2, 1992, at Westin Canal Place, 100 Rue Iberville, New Orleans, LA 70130. The meetings will be held daily from 8:30 a.m. to 5 p.m. Attendance is open to the public.

TOPIC: The Committee will discuss and make recommendations to the Coast Guard on the following subjects:

(1) Plan to License operators of Federally Documented Fishing Industry Vessels less than 200 gross tons.

(2) Fishing Vessel Safety Supplemental Notice of Proposed Rulemaking.

FOR FURTHER INFORMATION CONTACT: LCDR Ed McCauley, Merchant Vessel Inspection and Documentation Division, Fishing Vessel/Offshore Activities Branch (G-MVI-4), room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-2307.

Dated: October 19, 1992.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-25898 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Wake County, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Wake County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Roy Shelton, Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601, Telephone: (919) 856-4350.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed US 64 Bypass in Wake County. The proposed action would be the construction of a new 10-mile, multi-lane facility from I-440 in the west, between Capital Boulevard (US 1) and I-40 south, to US 64 in the east between US 64 Business and Buffalo Creek. The thoroughfare plan for Raleigh and Wake County includes the US 64 Bypass. The proposed project is needed to serve the existing and anticipated future traffic demand and to relieve congestion, delay, and inconvenience to residents of eastern Wake County and for travel in the US 64 corridor east of Raleigh in general. The project will also include an interchange with the Eastern Wake Expressway and a four-mile section of that route to provide connection with the approved Northern Wake Expressway.

Alternatives under consideration include: (1) The "no-build", (2) improving existing facilities, and (3) a controlled access highway on new location.

A complete public involvement plan has been prepared. Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State, and local agencies. Newsletters will be prepared and distributed, and public meetings with local officials and neighborhood groups will be held in the study area. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. A scoping meeting will be held at the Board Room on the first floor of the North Carolina Highway Building, 100 New Bern Avenue, Raleigh, at 10:30 a.m. on November 4, 1992.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 19, 1992.

Roy Shelton,

Operations Engineer, Raleigh.

[FR Doc. 92-25864 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Announcing the Second Meeting of the Crash Data Analysis Subcommittee of the Motor Vehicle Safety Research Advisory Committee

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the second meeting of the Crash Data Analysis Subcommittee of the Motor Vehicle Safety Research Advisory Committee (MVSRAC). The MVSRAC established this subcommittee at the February 1988 meeting to examine research questions concerning the types of crash data that should be collected, how existing crash data collection programs can be improved and approaches to analyze crash data.

DATES AND TIME: The meeting is scheduled for December 3, 1992, from 10 a.m. to 3 p.m.

ADDRESSES: The meeting will be held in room 3446 of the U.S. Department of Transportation Building, which is located at 400 Seventh Street, SW., Washington, DC.

SUPPLEMENTARY INFORMATION: In May 1987, the Motor Vehicle Safety Research Advisory Committee was established. The purpose of the Committee is to provide an independent source of ideas for safety research.

The MVSRAC will provide information, advice, and recommendations to NHTSA on matters relating to motor vehicle safety research, and provide a forum for the development, consideration, and communication of motor vehicle safety research, as set forth in the MVSRAC Charter.

This meeting of the Crash Data Analysis Subcommittee will focus on crash data collection and analysis. Discussions will cover: Crash data currently being collected and how it can be improved, the types of crash data that should be collected and currently are not, and the types of analyses that should be performed to support highway safety initiatives.

The meeting is open to the public, and participation by the public will be determined by the Subcommittee Chairman, Mr. William H. Walsh, Director of the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration.

A public reference file (Number 88-01-Crash Data Analysis) has been established to contain the products of the Subcommittee and will be open to the public during the hours of 9:30 a.m. to 4 p.m. at the National Highway Traffic Safety Administration's Technical Reference Division in room 5110 at 400 Seventh Street SW., Washington, DC 20590, telephone: (202) 366-2768.

FOR FURTHER INFORMATION CONTACT: William H. Walsh, Director, National Center for Statistics and Analysis, 400 Seventh Street, SW., room 6125, Washington, DC 20590, telephone: (202) 366-1503.

Issued on: October 19, 1992.

George L. Parker,

Chairman, Motor Vehicle Safety Research Advisory Committee.

[FR Doc. 92-25834 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 90-01-VE-Notice 6]

Amendment of Final Determination That Certain Nonconforming Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Amendment of final determination that certain nonconforming vehicles are eligible for importation.

SUMMARY: This notice announces an amendment of a final determination by the National Highway Traffic Safety Administration (NHTSA) that certain Canadian motor vehicles certified as complying with Canadian Motor Vehicle Safety Standards, but which are not certified as complying with the U.S. Federal motor vehicle safety standards, are nevertheless eligible for importation into the United States because the safety features of the vehicle comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards. The amendment affects multipurpose passenger vehicles, trucks, and buses manufactured in Canada on or after September 1, 1991, and before September 1, 1993, which have been manufactured by their original manufacturer to comply with U.S. Federal motor vehicle safety standards on head restraints and occupant protection, and for the same vehicle types manufactured on or after September 1, 1993, which have been manufactured by their original manufacturer to comply with U.S. Federal motor vehicle safety standards on roof crush resistance, head restraints, and occupant protection.

DATES: The amended determination is effective October 28, 1992.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1990, NHTSA published a final determination in the Federal Register concerning the importation of motor vehicles into the United States originally manufactured to comply with the Canadian motor vehicle safety standards (CMVSS) rather than the U.S. Federal motor vehicle safety standards (FMVSS) (55 FR 32988).

This determination applied to motor vehicles that are: (1) Substantially similar to motor vehicles which were originally manufactured to conform to the Federal standards and to be imported into and sold in the United States, and

(2) Capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

With respect to vehicles other than passenger cars, the determination covered:

"[a]ll other types of motor vehicles manufactured from January 1, 1988, on which are certified by their original manufacturer as complying with all applicable Canadian motor vehicle safety standards, and which are of the same make, model and model year of any * * * multipurpose passenger vehicle, truck, bus, * * * that was originally manufactured for importation into and sale in the United States, or originally manufactured in the United States for sale in the United States, or originally manufactured in the United States for sale there * * *." (at 32990).

The basis of the determination was the near identicality of the CMVSS to the FMVSS. However, the notice recognized a divergence between FMVSS No. 208, which requires automatic restraints for passenger cars manufactured on or after September 1, 1989, and CMVSS No. 208, which contains no similar requirement. Accordingly, the determination applied to passenger cars of post-August 1989 Canadian manufacture only if they are equipped by their original manufacturer with an automatic restraint system which complies with FMVSS No. 208.

There are significant changes to FMVSS No. 208 Occupant Crash Protection and FMVSS No. 202 Head Restraints, that affect vehicles other than passenger cars which began with the 1992 model year, and to FMVSS No. 216 Roof Crush Resistance, that affect these same vehicles beginning with the 1994 model year. Corresponding changes have not been made to the respective CMVSS.

With respect to FMVSS No. 208, multipurpose passenger vehicles (MPVs) and trucks with a GVWR of 8,500 pounds or less having an unloaded vehicle weight of 5,500 pounds or less must comply with the frontal crash test requirements using either "active belts or passive restraints." Further, multipurpose passenger vehicles (except for motor homes), trucks and buses (except school buses) with a GVWR of 10,000 pounds or less must be equipped with rear seat lap/shoulder belts at the outboard seating positions. Light truck manufacturers are required to begin phasing in automatic crash protection beginning September 1, 1994, and to apply it to 100 percent of production on September 1, 1997.

As for FMVSS No. 202, multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less must comply with its head restraint requirements. Finally, with respect to FMVSS No. 216, multipurpose passenger vehicles, trucks, and buses whose GVWR is less than 6,000 pounds manufactured on and after September 1, 1993, must comply with its roof crush resistance requirements.

These new requirements of FMVSS Nos. 202, 208, and 216 have not been added to the Canadian standards. NHTSA does not believe that Canadian vehicles that were not originally manufactured to conform with FMVSS Nos. 202, 208, and 216, would be "capable of being readily modified" to comply with the FMVSS Nos. 202 and 208 (frontal crash test) requirements that became effective September 1, 1991, the FMVSS No. 216 requirements that become effective September 1, 1993, and the additional FMVSS No. 208 (automatic protection) requirements that begin phasing-in September 1, 1994.

Amended Determination

On October 8, 1991, the agency proposed an amendment of the August 13, 1990, determination responsive to the amendments in the FMVSS (56 FR 50747). No comments were received in response to the notice.

Accordingly, in consideration of the above, the agency has determined to amend its determination of August 13, 1990, covering all multipurpose passenger vehicles, trucks, and buses "manufactured from January 1, 1968 on." The amended determination covers:

(a) All multipurpose passenger vehicles, trucks, and buses manufactured on and after January 1, 1968, and before September 1, 1991;

(b) All multipurpose passenger vehicles, trucks, and buses manufactured on or after September 1, 1991, and before September 1, 1993, by their original manufacturer to comply with the requirements of U.S. FMVSS Nos. 202 and 208 to which they would have been subject had they been manufactured for sale in the United States; and

(c) All multipurpose passenger vehicles, trucks and buses manufactured on or after September 1, 1993, by their original manufacturer to comply with the requirements of U.S. FMVSS Nos. 202, 208, and 216 to which they would have been subject had they been manufactured for sale in the United States.

15 U.S.C. 1397(c)(3)(A)(i)(1) and 15 U.S.C. 1397(c)(3)(iii); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on: October 20, 1992.

Marion C. Blakey,
Administrator.

[FR Doc. 92-25906 Filed 10-23-92; 8:45 am]
BILLING CODE 4910-59-M

[Docket No. 91-38; Notice 3]

Determination that Nonconforming 1986 Mercedes-Benz 200D Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of determination by NHTSA that nonconforming 1986 Mercedes-Benz 200D passenger cars are eligible for importation.

SUMMARY: This notice announces the determination by NHTSA that 1986 Mercedes-Benz 200D passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards, and they are capable of being readily modified to conform to the standards.

DATES: The determination is effective October 26, 1992.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined: (I) That the motor vehicle * * * is substantially similar to a motor vehicle originally manufactured for importation and sale into the United States, certified under section 114 [of the Act], and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * *.

Petitions for eligibility determinations may be submitted by manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. After it receives a petition, NHTSA publishes notice in the **Federal Register** to solicit comments from interested members of the public. Following close of the comment period, NHTSA reviews the petition and comments, and publishes its determination in the **Federal Register.**

ICI International, Inc. of Orlando, Florida ("ICI") (Registered Importer No. R-90-003) petitioned NHTSA for a determination that 1986 Mercedes-Benz 200D (Model ID 124.120) passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on August 22, 1991 to afford an opportunity for public comment (56 FR 41718).

One comment was received in response to the notice of the petition, from Mercedes-Benz of North America, Inc. ("MBNA"), the U.S. subsidiary of the original manufacturer, Daimler-Benz A.G. In its comment, MBNA noted, among other things, that ICI had identified the 1987 Mercedes-Benz 300E as the U.S. counterpart for the 1986 Mercedes-Benz 200D that is the subject of its petition. MBNA observed that section 108(c)(3)(A)(i)(I) of the Act requires the nonconforming vehicle for which import eligibility is sought to be substantially similar to a motor vehicle manufactured and certified for sale in the United States that is "of the same model year."

After this discrepancy was brought to its attention, ICI submitted a revised petition in which it stated that it had erred in identifying the 1987 model 300E as the U.S.-companion vehicle for the 1986 model 200D, and that the 1986 model 300E should be substituted as the U.S.-companion vehicle. Because this substitution had the potential for altering the analysis of the 1986 model 200D's ability to conform to applicable safety standards, NHTSA published a second notice on August 7, 1992 (57 FR 34997) to solicit comments on the petition, as revised. The second notice also described certain revisions that ICI had made to the information it had originally submitted concerning the conformity of the 1986 model 200D with four of the standards. No comments were received in response to the second notice.

ICI submitted information with its original petition intended to demonstrate that the model 200D was originally manufactured to conform to many Federal motor vehicle safety standards in the same manner as the model 300E, or is capable of being readily modified to conform to them.

Specifically, the petitioner claimed that the noncertified 200D was identical to the certified 300E with respect to compliance with Standards Nos. 101 *Controls and Displays*, 102 *Transmission Shift Level Sequence* * * *, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 111 *Rearview Mirrors*,

113 *Hood Latch Systems*, 114 *Theft Protection*, 115 *Vehicle Identification Number*, 116 *Brake Fluids*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 208 *Occupant Crash Protection*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

The petitioner also contended that the vehicle was capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of two sealed-beam headlamps, two red taillamps, two red stop lamps, two red reflectors, one white license plate lamp, one white back-up lamp, two rear signal lamps, two front signal lamps, a four-way flasher warning system, two front amber/white parking lights, two red side reflectors, two amber front side reflectors, and a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 214 *Side Door Strength:* Installation of reinforcing beams.

Additionally, the petitioner stated that the bumpers on the 200D must be reinforced to comply with the Bumper Standard found in 49 CFR Part 581.

In the comment that is submitted in response to the notice of the petition, MBNA stated that it "strongly urges the agency to deny the petition." MBNA admitted that in some instances the 200D can be "easily modified" to conform to Federal standards, but asserted that other modifications will require substantial changes to the vehicle's structural components. It presented arguments with respect to many of the Federal standards. NHTSA invited the petitioner to comment on these arguments. The discussion below presents MBNA's opinions, and ICI's responses:

Standard No. 101: MBNA stated that not every identification symbol on the 200D complies with this standard. ICI responded that switches for the lights, hazard flasher, windshield wiper/washer, fan, defroster, and rear defroster each have a designated symbol this is visible to the drive.

Standard No. 102: MBNA took issue with ICI's claim that the vehicle is equipped with an automatic transmission, and stated that if the transmission was so modified, ICI failed to provide adequate information to demonstrate compliance with the standard. ICI responded that the vehicle is equipped with a manual transmission and that the petition's description of the vehicle as being equipped with an automatic transmission was in error.

Standard No. 103: MBNA took issue with ICI's assertion that the windshield defogging and defrosting system comply with the standard by virtue of the fact that it was installed by the original manufacturer. MBNA stated that three different such systems are available on the 200D worldwide, and that only one of these, the automatic climate control system place in U.S. market cars, is certified to meet the standard. In response, ICI stated that its model is equipped with the system that meets the U.S. standard.

Standard No. 105: MBNA stated that the 200D does not have the required brake warning indicator lamp check function, requiring replacement of the instrument wiring and control circuits. ICI responded that the 200D can be easily modified to conform to the lamp check function requirement.

Standard No. 106: MBNA stated that contrary to the petitioner's claim, not every brake hose in the 200D conforms to the standard. ICI responded that the vehicle is equipped with front and rear brake hoses that bear the "DOT" symbol.

Standard No. 108: MBNA stated that the wiring harness of the 200D does not have the capability to illuminate the side marker lamps and the high mounted stop lamp, and that major changes in the vehicle's wiring will therefore be necessary for compliance. In response, ICI stated that only minor changes must be made in the existing wiring harness to illuminate these additional lamps.

Standard No. 109: MBNA stated that even though the tires on the 200D may be properly marked with the "DOT" symbol, the recordkeeping requirements of 49 CFR part 574 must still be fulfilled. ICI responded that this issue is irrelevant to the vehicle's compliance with Standard No. 109.

Standard No. 111: MBNA disputed the petitioner's claim that the original passenger side mirror on the 200D is inscribed with the warning statement required by the standard. ICI responded that it modified that mirror to so comply.

Standard No. 114: MBNA stated that contrary to the petitioner's assertion, the 200D is not wired to produce a warning sound when the door is opened while the key is in the ignition. ICI responded that the vehicle has been modified to activate this signal.

Standard No. 115: MBNA stated that contrary to the petitioner's assertion, the 200D was not manufactured with a chassis number that is readable from outside the left windshield pillar. ICI did not respond to this comment.

Standard No. 118: MBNA disputed the petitioner's claim that the 200D is equipped with power operated windows that are inoperable when the ignition is turned off. ICI responded that its original claim that the vehicle is equipped with power operated windows was in error, and that the vehicle is instead equipped with manually operated windows.

Standard No. 203: MBNA disputed the petitioner's claim that the 200D was originally manufactured with a driver's side airbag, and stated that the vehicle is therefore not exempt from the standard. ICI responded that it erred in claiming that the vehicle is equipped with an airbag, but that it meets the standard by virtue of the fact that it is equipped with a steering system that has the same part number as the one on its U.S. certified counterpart.

Standard No. 204: MBNA challenged the petitioner's assertion that the 200D need not comply with the requirements for steering control rearward replacement specified in this standard. ICI responded that vehicle complies with these requirements.

Standard No. 206: MBNA disputed the petitioner's claim that all door locks and door retention components, as originally manufactured, comply with this standard. ICI responded that it has modified the vehicle to so comply, by repositioning the lock switches inside the rear doors so that the interior and exterior door handles are inoperative when the lock is engaged.

Standard No. 208: MBNA stated that the 200D is part of the petitioner's 1991 fleet, and that it must therefore meet the passive restraint requirements of the standard. MBNA further stated that the 200D does not meet the passive restraint requirements, and that the structural and component modifications that would be necessary for it to do so would be so significant that they disqualify the 200D from importation. ICI responded that because the 200D to which its petition pertains is a 1986 model year vehicle, there is no requirement that it be equipped with passive restraints.

Standard No. 209: MBNA challenged the petitioner's assertion that all seatbelts in the 200D are marked in accordance with the standard. ICI responded that the seatbelts comply.

Standard No. 210: MBNA stated that the model 200D has a different seat location to anchorage relationship than U.S. certified vehicles, and that relationship cannot be determined without "H" point measurements and detail drawings, which are not available outside of Germany. As a consequence, MBNA asserted that the 200D cannot be readily modified to meet this standard. ICI characterized MBNA's argument regarding this matter as being vague, and noted that the manufacturer cited no part numbers to substantiate its claim that non-U.S. certified vehicles do not comply.

Standard No. 302: MBNA stated that the 200D is equipped with upholstery which MBNA has not tested for compliance with the standard. ICI responded that it treated all interior seats, panels, and the ceiling with Homesafe fire retardant spray to ensure conformity.

MBNA finally stated that because the entire Mercedes-Benz 124 Model Line is classified as a "high theft line," the 200D must meet the requirements of the Theft Prevention Standard found in 49 CFR Part 541. ICI responded that the entire 124 Model Line has not been *per se* classified as a high theft line.

NHTSA has reviewed each of the issues that MBNA has raised regarding ICI's petition. NHTSA believes the addition of symbols, labels, markings, warning light indicators, and side marker lamps to be relatively simple modifications, as they have been performed on thousands of nonconforming vehicles imported over the years. As a consequence, the 200D appears to be readily capable of being conformed to meet Standards 101, 105, 108, 111, and 115.

With respect to Standards Nos. 103, 106, 108, 114, 203, 204, 206, 209, 210, and 302, MBNA makes the argument that the 200D is different from the 300E, and has not been tested or certified to U.S. requirements, ICI has addressed the comments with respect to each of these standards. The arguments of MBNA fall short of a convincing statement that the 200D does not in fact comply, and, if that is the case, that it is not readily capable of being modified to comply. Agency experience with a wide variety of Mercedes-Benz models indicates that the requirements of these standards can be easily met by most vehicle modifiers, either by providing proof that the components or assemblies in question are identical to, or provide the performance of, those found in complying vehicles, or by modifying those items to meet these requirements.

MBNA devotes its principal objection to petitioner's arguments with respect to Standard No. 208. It argues that the petitioner must certify compliance to the automatic restraint requirements of the standard, and that this potential modification is so significant that it disqualifies the vehicle from importation. MBNA bases its argument on the premise that the vehicle should properly be regarded as part of the petitioner's 1991 fleet, and that it must be conformed to the requirements of Standard 208 that apply to vehicles manufactured in that year. NHTSA disagrees with this position. All that the petitioner is required to do is to bring the 200D into compliance with Standard No. 208 as it was in effect when the vehicle was manufactured. Thus, it is legally acceptable for petitioner to argue that the 200D is readily capable of conformance to the non-automatic restraint specifications of Standard No. 208.

In addition to the arguments with respect to the specific standards, MBNA made two general comments that NHTSA wishes to address. The first of these is that certain of the modifications that are necessary to conform the 200D to the Federal motor vehicle safety standards would result in structural changes that "would require recertification under NHTSA regulations governing vehicle alterers if performed on a vehicle certified for sale in the United States." MBNA concludes from this that the 200D "is not capable of being readily modified to comply with all Federal motor vehicle safety standards." MBNA's second general comment is that because the 200D is manufactured for many markets other than the U.S. "it is impossible for NHTSA to make an engineering determination that the vehicle is substantially similar to a vehicle certified for sale in the United States without knowing the country for which it was produced," and accordingly, that any such finding "must be limited to the country where the vehicle was purchased."

As noted in its analyses of MBNA's arguments with respect to specific standards, NHTSA has found some of these comments speculative, and others unpersuasive. Further, it does not agree with either of MBNA's general arguments. Recertification of a vehicle is required by an alterer whose activities go beyond "the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assembles or minor finishing operations such as painting * * *." There is nothing in the legislative history of Public Law 100-562, the source of the import eligibility requirements, that equates the capability of a vehicle to be readily modified to conform to the standards with a definition of alterations that require recertification. Additionally, MBNA overlooks the requirement that registered importers must certify to the Administrator that the vehicles they process have been brought into compliance with the standards.

Nor does NHTSA believe that it is "impossible" to make engineering determinations without knowing the country for which a vehicle was produced. It believes that all models within a line are substantially similar in structural design regarding integrity of the body, chassis, and seating. It further finds petitioner's arguments persuasive that the 1986 200D is capable of being readily converted, within the meaning of the statute, to conform to all applicable Federal motor vehicle safety standards.

MBNA also argued, with respect to the Theft Prevention Standard in 49 CFR Part 541, that the entire Mercedes Benz 124 Model Line is classified by NHTSA as a "high theft line," and that the registered importer must therefore inscribe in VIN on 14 vehicle parts of every 200D imported. Compliance with Part 541 is irrelevant to import eligibility determinations. Part 541 is outside the requirements of the Federal Motor Vehicle Safety Standards and the National Traffic and Motor Vehicle Safety Act, and the capability of the 200D to comply with its requirements has no legal bearing on a determination of whether that vehicle is capable of being readily modified to conform to the safety standards.

NHTSA likewise agrees with ICI's assertion that compliance with the recordkeeping requirements of 49 CFR part 574 has no bearing on whether a vehicle complies with Standard No. 109.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the Form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP #17 (Model ID 124.120) is the vehicle eligibility number assigned to vehicles admissible under this notice of final determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby determines that a 1986 Mercedes-Benz 200D (Model ID 124.120) is substantially similar to a 1986 Mercedes-Benz 300E (Model ID 124.030) originally manufactured for importation into and sale in the United

States, certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Authority: 15 U.S.C. 1397(c)(3)(A)(i) (I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8

Issued on: October 20, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92-25907 Filed 10-23-92; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

October 20, 1992.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0152.

Form Number: IRS Form 3115.

Type of Review: Resubmission.

Title: Application for Change in Accounting Method.

Description: Form 3115 is used by taxpayers who wish to change their method of computing their taxable income. The form is used by the IRS to determine if electing taxpayers have met the requirements and are able to change to the method requested.

Respondents: Individuals or households, farms, businesses or other for-profit.

Estimated Number of Respondents/Recordkeepers: 6,400.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/Sched.	Recordkeeping	Learning about the law or the form	Preparing and sending the form to the IRS
3115	20 hrs., 20 min	3 hrs., 38 min	5 hrs., 20 min.
Schedule A	23 hrs., 12 min	1 hr., 58 min	3 hrs., 38 min.
Schedule B	4 hrs., 18 min	1 hr., 4 min	2 hrs., 23 min.
Schedule C	26 hrs., 47 min	3 hrs., 11 min	3 hrs., 45 min.
Schedule D	14 hrs., 21 min	2 hrs., 23 min	2 hrs., 44 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 359,627 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-25880 Filed 10-23-92; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Department Circular—Public Debt Series—No. 33-92]

Treasury Notes of October 31, 1994, Series AF-1994 (CUSIP No. 912827 H3 9)

Washington, October 21, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for United States securities, as described above and in the offering announcement, hereafter referred to as Notes. The Notes will be sold at auction, and bidding will be on a yield basis. Payment will be required at the price equivalent to the highest yield bid at which bids were accepted. The interest rate on the Notes and the price equivalent to the highest yield at which bids were accepted will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued to Federal Reserve Banks as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The issue date and maturity date of the Notes are stated in the offering announcement. The Notes will accrue interest from the issue date. Interest will be payable on a semiannual basis as described in the offering announcement through the date that the principal becomes payable. The Notes will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in the minimum and multiple amounts stated in the offering announcement. They will not be issued in registered definitive or in bearer form.

2.3. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500. The closing times for the receipt of noncompetitive and competitive tenders are specified in the offering announcement. Noncompetitive tenders will be considered timely if postmarked (U.S. Postal Service cancellation date) no later than the day prior to the auction and received no later than close of business on the issue day.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is stated in the offering announcement, and larger bids must be in multiples of that amount.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids at more than one yield. However, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of 35 percent of the public offering amount. A competitive bid by a single bidder at any one yield in excess of 35 percent of the public offering will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder, whether bidding directly or through a depository institution or a government securities broker/dealer, may not submit a noncompetitive bid for its own account in the same auction in which it is submitting a competitive bid for its own account. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the Notes being auctioned, in "when-issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: Depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. A submitter, if bidding competitively for customers, must include a customer list with the tender giving, for each customer, the name of the customer and the amount bid. A separate tender and customer list should be submitted for each competitive yield. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. For mailed tenders, the customer list must be submitted with the tender. For other than mailed tenders, the customer list should accompany the tender. If the customer list is not submitted with the tender, information for the list must be complete and available for review by the deadline for submission of noncompetitive tenders. The customer list should be received by the Federal Reserve Bank on auction day. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust. Customer bids may not be aggregated on the customer list. The customer list must include customers and customers of those customers, where applicable.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its net position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when-issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others, including tenders submitted for Notes to be maintained on the book-entry records of the Department of the Treasury, must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. After the deadline for receipt of competitive tenders, there will be a public announcement of the amounts of bids received and accepted, the highest yield accepted, and the interest rate on the notes. Subject to the reservations expressed in Section 4, noncompetitive bids will be accepted in full, and then competitive bids will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Bids at the highest yield at which bids were accepted will be prorated if necessary. All successful competitive bidders, regardless of the yields they each bid, will be awarded securities at the highest yield at which bids were accepted. After the determination is made as to which bids are accepted, an interest rate will generally be established, at a 1/8 of one percent increment, which produces a price equivalent to the highest yield at which bids were accepted and is closest to, but not above, par. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price equivalent to the highest yield at which bids were accepted will be determined, and each noncompetitive bidder and each successful competitive bidder will be required to pay such price for their securities. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive bids received would absorb most or all of the public offering, competitive bids would be accepted in an amount determined by the Department to be sufficient to provide a fair determination of the highest yield for the securities being auctioned. Bids received from Federal Reserve Banks for their own account or for foreign and international monetary authorities will be accepted at the price equivalent to the highest yield at which bids were accepted.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in section 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting non-competitive bids will be notified only if the bid is not accepted in full, or when the price at the highest yield at which bids were

accepted is over par. No later than 12 noon local time on the day following the auction, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time on the day following the auction, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more of securities as a result of bids submitted by the depository institution or government securities broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all bids in whole or in part, to allot more or less than the amount of Notes specified in the offering announcement, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.7. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.7. must be made or completed on or before the issue date. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors by the time stated in the offering announcement. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted may, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

6.4. Attachment A and the offering announcement are incorporated as part of this circular.

Gerald Murphy,

Fiscal Assistant Secretary.

Attachment A—Treasury's Single Bidder Guidelines for Noncompetitive Bidding in all Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) Bank Holding Companies and Subsidiaries—

A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) Banks and Branches—

A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) Thrift Institutions and Branches—

A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) Corporation and Subsidiaries—

A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) Families—

A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is not permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is not recognized as a separate bidder.)

(6) Partnerships—

Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) Guardians, Custodians, or other Fiduciaries—

A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) Trusts—

A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will, (c) the IRS employer identification number (not social security account number).

(9) Political Subdivisions—

(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) Mutual Funds—

A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) Money Market Funds—

A money market fund (includes all funds that have a common management).

(12) Investment Agents/Money Managers—

An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) Pension Funds—

A pension fund (includes all funds that comprise it, whether or not separately administered):

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219-3350).

Auction of 2-Year and 5-Year Notes Totaling $25,750 Million

The Treasury will auction $15,000 million of 2-year notes and $10,750 million of 5-year notes to refund $12,730 million of securities maturing October 31, 1992, and to raise about $13,025 million new cash. The $12,730 million of maturing securities are those held by the public, including $665 million currently held by Federal Reserve Banks as agents for foreign and international monetary authorities.

Both the 2-year and 5-year note auctions will be conducted in the single-price auction format. All competitive and noncompetitive awards will be at the highest yield of accepted competitive tenders.

The $25,750 million is being offered to the public, and any amounts tendered by Federal Reserve Banks as agents for foreign and international monetary authorities will be added to that amount.

In addition to the public holdings, Federal Reserve Banks, for their own accounts, hold $884 million of the maturing securities that may be refunded by issuing additional amounts of the new securities.

Details about each of the new securities are given in the attached highlights of the offerings and in the official offering circulars.

Attachment

HIGHLIGHTS OF TREASURY OFFERINGS TO THE PUBLIC OF 2-YEAR AND 5-YEAR NOTES TO BE ISSUED NOVEMBER 2, 1992

[October 21, 1992]

Amount offered to the public	$15,000 million	$10,750 million.
Description of security:		
Term and type of security	2-year notes	5-year notes.
Series and CUSIP designation	Series AF-1994 (CUSIP No. 912827 H3 9)	Series S-1997 (CUSIP No. 912827 H4 7).
Maturity date	October 31, 1994	October 31, 1997.
Interest rate	To be determined based on the highest accepted bid	To be determined based on the highest accepted bid.
Investment yield	To be determined at auction	To be determined at auction.
Premium or discount	To be determined after auction	To be determined after auction.
Interest payment dates	April 30 and October 31	April 30 and October 31.
Minimum denomination available	$5,000	$1,000.
Terms of sale:		
Method of sale	Yield auction	Yield auction.
Competitive tenders	Must be expressed as an annual yield, with two decimals, e.g., 7.10%.	Must be expressed as an annual yield, with two decimals, e.g., 7.10%
Noncompetitive tenders	Accepted in full up to $5,000,000	Accepted in full up to $5,000,000.
Accrued interest payable by investor	None	None.
Key dates:		
Receipt of tenders	Tuesday, October 27, 1992	Wednesday, October 28, 1992.
(a) noncompetitive	prior to 12:00 noon, EST	prior to 12:00 noon, EST.
(b) competitive	prior to 1:00 p.m., EST	prior to 1:00 p.m., EST.
Settlement (final payment due from institutions):		
(a) funds immediately available to the Treasury	Monday, November 2, 1992	Monday, November 2, 1992.
(b) readily-collectible check	Thursday, October 29, 1992	Thursday, October 29, 1992.

[FR Doc. 92-25999 Filed 10-22-92; 12:24 pm]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 34-92]

Treasury Notes of October 31, 1997, Series S-1997 (CUSIP No. 912827 H4 7)

Washington, October 21, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of Title 31, United States Code, invites tenders for United States securities, as described above and in the offering announcement, hereafter referred to as Notes. The Notes will be sold at auction, and bidding will be on a yield basis. Payment will be required at the price equivalent to the highest yield bid at which bids were accepted. The interest rate on the Notes and the price equivalent to the highest yield at which bids were accepted will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued to Federal Reserve Banks as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The issue date and maturity date of the Notes are stated in the offering announcement. The Notes will accrue interest from the issue date. Interest will be payable on a semiannual basis as described in the offering announcement through the date that the principal becomes payable. The Notes will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in the minimum and multiple amounts stated in the offering announcement. They will not be issued in registered definitive or in bearer form.

2.3. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR

part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500. The closing times for the receipt of noncompetitive and competitive tenders are specified in the offering announcement. Noncompetitive tenders will be considered timely if postmarked (U.S. Postal Service cancellation date) no later than the day prior to the auction and received no later than close of business on the issue day.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is stated in the offering announcement, and larger bids must be in multiples of that amount.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids at more than one yield. however, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of 35 percent of the public offering amount. A competitive bid by a single bidder at any one yield in excess of 35 percent of the public offering will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder, whether bidding directly or through a depository institution or a government securities broker/dealer, may not submit a noncompetitive bid for its own account in the same auction in which it is submitting a competitive bid for its own account. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the Notes being auctioned, in "when-issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: Depository institutions, as described in Section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. A submitter, if bidding competitively for customers, must include a customer list with the tender giving, for each customer, the name of the customer and the amount bid. A separate tender and customer list should be submitted for each competitive yield. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. For mailed tenders, the customer list must be submitted with the tender. For other than mailed tenders, the customer list should accompany the tender. If the customer list is not submitted with the tender, information for the list must be complete and available for review by the deadline for submission of noncompetitive tenders. The customer list should be received by the Federal Reserve Bank on auction day. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust. Customer bids may not be aggregated on the customer list. The customer list must include customers and customers of those customers, where applicable.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its net position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when-issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others, including tenders submitted for Notes to be maintained on the book-entry records of the Department of the Treasury, must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. After the deadline for receipt of competitive tenders, there will be a public announcement of the amounts of bids received and accepted, the highest yield accepted, and the interest rate on the Notes. Subject to the reservations expressed in Section 4, noncompetitive bids will be accepted in full, and then competitive bids will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Bids at the highest yield at which bids were accepted will be prorated if necessary. All successful competitive bidders, regardless of the yields they each bid, will be awarded securities at the highest yield at which bids were accepted. After the determination is made as to which bids are accepted, an interest rate will generally be established, at a ⅛ of one percent increment, which produces a price equivalent to the highest yield at which bids were accepted and is closest to, but not above, par. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price equivalent to the highest yield at which bids were accepted will be determined, and each noncompetitive bidder and each successful competitive bidder will be required to pay such price for their securities. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive bids received would absorb most or all of the public offering, competitive bids would be accepted in an amount determined by the Department to be sufficient to provide a fair determination of the highest yield for the securities being auctioned. Bids received from Federal Reserve Banks for their own account or for foreign and international monetary authorities will be accepted at the price equivalent to the highest yield at which bids were accepted.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The determination of the maximum award to

a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in section 3.6.

3.10 Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting non-competitive bids will be notified only if the bid is not accepted in full, or when the price at the highest yield at which bids were accepted is over par. No later than 12 noon local time on the day following the auction, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time on the day following the auction, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more of securities as a result of bids submitted by the depository institution or government securities broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all bids in whole or in part, to allot more or less than the amount of Notes specified in the offering announcement, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.7. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.7. must be made or completed on or before the issue date. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors by the time stated in the offering announcement. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted may, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3 Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States government is pledged to pay, in legal tender, principal and interest on the Notes.

6.4. Attachment A and the offering announcement are incorporated as part of this circular.

Gerald Murphy,

Fiscal Assistant Secretary.

Attachment A—Treasury's Single Bidder Guidelines for Noncompetitive Bidding in all Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) Bank Holding Companies and Subsidiaries—

A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) Banks and Branches—

A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) Thrift Institutions and Branches—

A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) Corporations and Subsidiaries—

A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) Families—

A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is *not* permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is *not* recognized as a separate bidder.)

(6) Partnerships—

Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) Guardians, Custodians, or other Fiduciaries—

A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) Trusts—

A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will,

(c) the IRS employer identification number (not social security account number).

(9) Political Subdivisions—

(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) Mutual Funds—

A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) Money Market Funds—

A money market fund (includes all funds that have a common management).

(12) Investment Agents/Money Managers—

An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) Pension Funds—

A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219-3350).

Auction of 2-Year and 5-Year Notes Totaling $25,750 Million

The Treasury will auction $15,000 million of 2-year notes and $10,750 million of 5-year notes to refund $12,730 million of securities maturing October 31, 1992, and to raise about $13,025 million new cash. The $12,730 million of maturing securities are those held by the public, including $665 million currently held by Federal Reserve Banks as agents for foreign and international monetary authorities.

Both the 2-year and 5-year note auctions will be conducted in the single-price auction format. All competitive and noncompetitive awards will be at the highest yield of accepted competitive tenders.

The $25,750 million is being offered to the public, and any amounts tendered by Federal Reserve Banks as agents for foreign and international monetary authorities will be added to that amount.

In addition to the public holdings, Federal Reserve Banks, for their own accounts, hold $884 million of the maturing securities that may be refunded by issuing additional amounts of the new securities.

Details about each of the new securities are given in the attached highlights of the offerings and in the official offering circulars.

Attachment

HIGHLIGHTS OF TREASURY OFFERINGS TO THE PUBLIC OF 2-YEAR AND 5-YEAR NOTES TO BE ISSUED NOVEMBER 2, 1992

[October 21, 1992]

Amount offered to the public	$15,000 million	$10,750 million.
Description of security:		
Term and type of security	2-year notes	5-year notes.
Series and CUSIP designation	Series AF-1994 (CUSIP No. 912827 H 3 9)	Series S-1997 (CUSIP No. 912827 H4 7).
Maturity date	October 31, 1994	October 31, 1997.
Interest rate	To be determined based on the highest accepted bid	To be determined based on the highest accepted bid.
Investment yield	To be determined at auction	To be determined at auction.
Premium or discount	To be determined after auction	To be determined after auction.
Interest payment dates	April 30 and October 31	April 30 and October 31.
Minimum, denomination available	$5,000	$1,000.
Terms of sale:		
Method of sale	Yield auction	Yield auction.
Competitive tenders	Must be expressed as an annual yield, with two decimals, e.g., 7.10%.	Must be expressed as an annual yield, with two decimals, e.g., 7.10%.
Noncompetitive tenders	Accepted in full up to $5,000,000	Accepted in full up to $5,000,000.
Accrued interest payable by investor	None	None.
Key dates:		
Receipt of tenders	Tuesday, October 27, 1992	Wednesday, October 28, 1992.
(a) noncompetitive	Prior to 12:00 noon, EST	Prior to 12:00 noon, EST.
(b) competitive	Prior to 1:00 p.m., EST	Prior to 1:00 p.m., EST.
Settlement (final payment due from institutions):		
(a) funds immediately available to the Treasury	Monday, November 2, 1992	Monday, November 2, 1992.
(b) readily-collectible check	Thursday, October 29, 1992	Thursday, October 29, 1992.

[FR Doc. 92-25998 Filed 10-22-92; 12:24 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 207
Monday, October 26, 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

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

DATE AND TIME: October 28, 1992, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400. For a recording listing items stricken from or added to the meeting, call (202) 208-1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 967th Meeting—October 28, 1992, Regular Meeting (10:00 a.m.)

CAH-1.
Project No. 3188-007, Joseph M. Keating
CAH-2.
Project No. 3194-011, Joseph M. Keating
CAH-3.
Project No. 10707-001, Clark Gruening
CAH-4.
Omitted
CAH-5.
Project Nos. 1417-037 and 040, Central Nebraska Public Power and Irrigation District
Project Nos. 1835-069 and 076, Nebraska Public Power District
CAH-6.
Docket No. HB81-85-1-001, Public Service Company of New Hampshire
CAH-7.
Project Nos. 2179-012 and 014, Merced Irrigation District
CAH-8.
Project Nos. 1962-014 and 1988-019, Pacific Gas and Electric Company, Sacramento Municipal Utility District, the Northern California Power Agency, and the Cities of Anaheim, Azusa, Banning, Colton, and Riverside, California
CAH-9.
Project No. 1651-015, Swift Creek Power Company, Inc.
CAH-10.
Project No. 2912-002, Alabama Electric Cooperative, Inc.
CAH-11.
Project No. 2144-016, City of Seattle, Washington

Consent Electric Agenda

CAE-1.
Docket Nos. ER92-484-000, ER92-512-000 and ER92-817-000, New England Power Company
CAE-2.
Docket Nos. ER92-361-002 and ER92-362-002, Green Mountain Power Corporation
CAE-3.
Docket Nos. ER92-668-000 and EC92-20-000, Northern Electric Power Company, L.P.
CAE-4.
Docket No. QF92-142-001, Sithe/Independence Power Partners, L.P.
CAE-5.
Docket Nos. ER91-150-006 and ER91-570-005, Southern Company Services, Inc.
CAE-6.
Omitted
CAE-7.
Docket Nos. ER92-589-002, ER92-434-002,ER92-453-002 and ER92-677-001, The United Illuminating Company
CAE-8.
Docket No. ER92-67-001, Western Massachusetts Electric Company
CAE-9.
Docket No. EL92-15-001, Florida Power & Light Company
CAE-10.
Docket No. EL88-10-001, Industrial Cogenerators v. Florida Public Service Commission.
CAE-11.
Omitted.
CAE-12.
Docket No. EL92-37-000, Doswell Limited Partnership
Docket No. EL92-43-000, Doswell Limited Partnership v. Virginia Electric and Power Company
CAE-13.
Omitted.
CAE-14.
Docket No. RM92-10-000, Streamlining Electric Power Regulation
CAE-15.
Omitted.

Consent Oil and Gas Agenda

CAG-1.
Docket No. RP92-236-000, Williston Basin Interstate Company
CAG-2.
Docket Nos. RP92-163-002 and RP92-170-002, Williston Basin Interstate Company
CAG-3.
Docket No. RP92-165-001, Trunkline Gas Company
CAG-4.
Docket No. RP92-233-000, Panhandle Eastern Pipe Line Company
CAG-5.
Docket No. RP93-8-000, Iroquois Gas Transmission System, L.P.
CAG-6.
Docket No. RP92-235-000, United Gas Pipe Line Company
CAG-7.
Docket Nos. RP93-6-000 and RS92-75-000, Paiute Pipeline Company
CAG-8.
Docket No. RP88-44-022, El Paso Natural Gas Company
CAG-9.
Docket Nos. RP88-259-058, *et al.*, RP92-228-000 and RP92-1-008, Northern Natural Gas Company
CAG-10.
Docket No. RP93-4-000, Mississippi River Transmission Corporation
CAG-11.
Docket Nos. RP92-132-007, *et al.*, CP88-171-000, *et al.*, CP89-629-000, *et al.*, CP90-639-000, *et al.*, CP91-2206-000, *et al.* and TM93-1-9-000, Tennessee Gas Pipeline Company
CAG-12.
Docket No. RP93-2-000, Tennessee Gas Pipeline Company
CAG-13.
Docket No. RP93-7-000, CNG Transmission Corporation
CAG-14.
Docket No. RP92-137-006, Transcontinental Gas Pipe Line Corporation
CAG-15.
Docket No. TM93-5-21-000, Columbia Gas Transmission Corporation
CAG-16.
Docket No. RP92-229-000, Northwest Pipeline Corporation
CAG-17.
Docket No. TQ93-1-22-000, CNG Transmission Corporation
CAG-18.
Docket No. TQ93-1-25-000, Mississippi River Transmission Corporation
CAG-19.
Docket Nos. TQ93-1-63-000 and TM93-1-63-000, Carnegie Natural Gas Company
CAG-20.
Docket No. TQ93-1-46-000, Kentucky West Virginia Gas Company
CAG-21.
Docket No. TQ93-1-23-000, Eastern Shore Natural Gas Company
CAG-22.
Docket No. TQ93-2-59-000, Northern Natural Gas Company
CAG-23.
Docket Nos. TQ93-2-16-000 and 001, National Fuel Gas Supply Corporation
CAG-24.
Docket No. TQ93-2-4-000, Granite State Gas Transmission, Inc.
CAG-25.

Docket No. TQ93-2-2-000, East Tennessee Natural Gas Company
CAG-26.
Docket No. Docket No. TQ93-2-1-000, Alabama-Tennessee Natural Gas Company
CAG-27.
Docket No. TQ93-1-43-000, Williams Natural Gas Company
CAG-28.
Docket No. TQ93-1-34-000, Florida Gas Transmission Company
CAG-29.
Docket No. TQ93-1-24-000, Equitrans, Inc.
CAG-30.
Docket Nos. TQ93-1-21-000 and TM93-3-21-000, Columbia Gas Transmission Corporation.
CAG-31.
Docket No. TQ93-1-18-000, Texas Gas Transmission Corporation
CAG-32.
Docket No. TQ93-1-17-000, Texas Eastern Transmission Corporation
CAG-33.
Docket Nos. TA93-1-82-000 and 001, Viking Gas Transmission Company
CAG-34.
Docket Nos. TA93-1-35-000 and RP92-218-000, West Texas Gas, Inc
CAG-35.
Docket No. TQ92-5-1-001, and 004, Alabama-Tennessee Natural Gas Company
CAG-36.
Docket Nos. TA91-1-24-000, 001, 002 and 003, Equitrans, Inc.
CAG-37.
Docket No. RP91-181-004, Northern Natural Gas Company
CAG-38.
Docket No. RP88-180-005, Trunkline Gas Company
CAG-39.
Docket No. RP92-133-0002 (Phase I), Gas Research Institute
CAG-40.
Docket Nos. RP88-67-059, RP85-177-096, RP89-225-018, CP90-119-014 and CP90-2154-002, Texas Eastern Transmission Corporation
CAG-41.
Docket Nos. TA92-1-63-003, TM92-5-63-002 and TQ92-7-63-002, Carnegie Natural Gas Company
CAG-42.
Docket No. TA92-1-22-002, RP92-201-001 and TM92-9-22-001, CNG Transmission Corporation
CAG-43.
Docket No. RP91-201—001, Columbia Gas Transmission Corporation
CAG-44.
Omitted
CAG-45.
Omitted
CAG-46.
Docket Nos. RP91-224-005, 006, RP92-1-009 and 010, Northern Natural Gas Company
CAG-47.
Docket No. RP92-114-004, Williams Natural Gas Company
CAG-48.
Omitted
CAG-49.
Docket No. RP91-166-013, Northwest Pipeline Corporation
CAG-50.
Omitted
CAG-51.
Docket No. RP91-229-007, Panhandle Eastern Pipeline Company
CAG-52.
Docket Nos. RP92-120-003, 004 and 005, Panhandle Eastern Pipe Line Company
CAG-53.
Docket Nos. RP90-104-016, RP88-115-027, CP92-131-002 and CP91-676-002, Texas Gas Transmission Corporation
CAG-54.
Omitted
CAG-55.
Docket Nos. RP85-209-036, RP86-93-014, RP86-158-016, CP86-246-009, RP87-34-016, TC88-6-014, RP88-8-016, RP88-27-029, RP88-92-026, RP88-265-011, RP88-263-019, RP88-264-024, RP84-42-012, RP89-138-001, RP88-6-011, CP88-329-012, CP88-478-007 and IN86-5-018, United Gas Pipe Line Company
CAG-56.
Omitted
CAG-57.
Docket Nos. TQ91-3-20-002 and TM91-3-20-002, Algonquin Gas Transmission Company
CAG-58.
Docket Nos. TA92-2-31-002, and TA91-2-31-010, Arkla Energy Resources, a Division of Arkla, Inc.
CAG-59.
Omitted
CAG-60.
Docket No. GT92-17-002, El Paso Natural Gas Company
CAG-61.
Docket No. PL91-2-001, Interstate Natural Natural Gas Pipeline Rate Design
CAG-62.
Docket Nos. TA91-1-22-001, 006 and TQ92-1-22-001, CNG Transmission Corporation.
CAG-63.
Omitted.
CAG-64.
Docket No. RP92-119-000, Pacific Interstate Offshore Company
CAG-65.
Docket Nos. RP91-140-000 and 001, Questar Pipeline Company
CAG-66.
Docket No. 93-3-000, Arkla Energy Resources
CAG-67.
Docket No. RP92-237-000, Alabama-Tennessee National Gas Company
CAG-68.
Docket Nos. RP93-1-000 and RS92-10-000, Southern Natural Gas Company
CAG-69.
Docket No. RP93-5-000, Northwest Pipeline Corporation
CAG-70.
Docket No. RS92-70-000, OkTex Pipeline Company
CAG-71.
Docket No. RS92-14-000, CNG Transmission Corporation
CAG-72.
Docket Nos. RP92-214-001 and RS92-60-005, El Paso Natural Gas Company
CAG-73.
Docket No. RP92-234-000, Texas Eastern Transmission Corporation
CAG-74.
Docket No. RS92-35-000, Gas Transport, Inc.
CAG-75.
Docket Nos. CP92-731-000 and RS92-84-000, Texas Sea Rim Pipeline, Inc.
CAG-76.
Docket Nos. CP92-713-000 and RS92-80-000 Seagull Interstate Corporation
CAG-77.
Docket Nos. CP92-515-001 and CP92-517-001, Transcontinental Gas Pipe Line Corporation
CAG-78.
Omitted
CAG-79.
Docket No. CP88-712-005, CNG Transmission Corporation
Docket No. CP90-189-002, CNG Transmission Corporation and Texas Eastern Transmission Corporation
CAG-80.
Docket No. CP89-93-008, Williams Natural Gas Company
CAG-81.
Docket Nos. CP88-171-010, CP87-131-006, 007 and CP87-132-010, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
Docket No. CP89-712-003, CNG Transmission Corporation
Docket No. CP88-194-010, 011, 012, CP88-94-006 and 007, National Fuel Gas Supply Corporation
Docket Nos. CP88-92-007, 008, CP89-7-014, 015, CP89-2205-003 and CP89-710-006, Transcontinental Gas Pipe Line Corporation
Docket Nos. CP88-195-010 and 011, PennEast Gas Services Company, CNG Transmission Corporation and Texas Eastern Transmission Corporation
Docket No. CP89-711-002, Texas Eastern Transmission Corporation
Docket No. CP88-187-006, Algonquin Gas Transmission Corporation
Docket No. CP89-892-004, Great Lakes Transmission Limited Partnership
CAG-82.
Omitted
CAG-83.
Docket No. CP88-136-029, Texas Eastern Transmission Corporation
CAG-84.
Docket No. CP90-134-001, Algonquin Gas Transmission Company
CAG-85.
Docket Nos. CP89-623-020, RP92-25-004 and MT92-1-003, Iroquois Gas Transmission System, L.P.
CAG-86.
Omitted
CAG-87.
Docket No. CP88-180-020, Texas Eastern Transmission Corporation
CAG-88.
Docket No. CP92-264-001, Kern River Gas Transmission Company
CAG-89.
Omitted
CAG-90.
Docket No. CP92-6-005, Southern Natural Gas Company and South Georgia Natural Gas Company

Docket No. CP92-311-001, Southern Natural Gas Company

CAG-91.

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Docket Nos. CP91-2206-003, CP89-629-021 and CP90-639-012, Tennessee Gas Pipeline Company

CAG-99.

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Docket No. CP92-649-000, Kansas Public Service Division of UtiliCorp United Inc. v. Williams Natural Gas Company

CAG-101.

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PC-2.

Docket No. CP91-1910-000, Southwestern Public Service Company v. Red River Pipeline. Order on complaint alleging that Red River is unduly discriminating by refusing to construct a tap to receive gas.

PC-3.

Docket No. CP91-1925-000, Southwestern Glass Company, Inc. v. Arkla Energy Resources, a Division of Arkla, Inc. Order on complaint alleging that Arkla is unduly discriminating by refusing to provide direct service.

PC-4.

Docket Nos. CP91-732-000 and CP88-332-010, Indicated Shippers v. El Paso Natural Gas Company. Order on motion for modification or stay of October 7, 1992 order.

Dated: October 21, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92-26001 Filed 10-22-92; 11:40 am]

BILLING CODE 6717-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice to be published in the **Federal Register** on Friday, October 23, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, October 28, 1992.

CHANGES IN THE MEETING: Deletion of the following open item from the agenda:

Proposed amendments to Regulations K (International Bank Operations) and Y (Bank Holding Companies and Change in Bank Control) to implement the Foreign Bank Supervision Enhancement Act of 1991. (Proposed earlier for public comment; Docket No. R-0754.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: October 21, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-25979 Filed 10-22-92; 10:24 am]

BILLING CODE 6210-01-M

federal register

Monday
October 26, 1992

Part II

Department of Transportation

Coast Guard

46 CFR Part 15

Prince William Sound Pilotage; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 15

[CGD 91-218]

RIN 2115-AE24

Prince William Sound Pilotage

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Section 4116(a) of the Oil Pollution Act of 1990 (OPA 90) amends 46 U.S.C. 8502(g) to give the Coast Guard discretion to designate the approaches to and waters of Prince William Sound, Alaska, if any, on which a coastwise seagoing vessel is not required to be under the direction and control of a pilot. The Coast Guard proposes to allow coastwise seagoing vessels to navigate in certain sections of Prince William Sound with two licensed officers instead of a Federal pilot. The Coast Guard expects that the proposed rule will further minimize the risks of oil spills in the waters of Prince William Sound and ensure the safety of pilots boarding and disembarking vessels at the approaches to Prince William Sound. The Coast Guard is also proposing to amend its pilotage regulations in 46 CFR part 15 to reflect the amendment to 46 U.S.C. 8502(g) that imposes special pilotage requirements on vessels operating near the Port of Valdez.

DATES: Comments must be received on or before December 28, 1992.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 91-218), 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 3:30 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 91-218) and the specific section of this proposal to which each comment applies, and give a 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 the Coast Guard determines that oral presentations will aid this rulemaking, it 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.

Background and Purpose

Under Federal pilotage laws (46 U.S.C. 8502), inspected coastwise seagoing vessels, not sailing under register, when underway and not on the high seas, must be under the direction and control of a Federal pilot while navigating the pilotage waters of Prince William Sound and its approaches. Section 4116(a) of OPA 90 amends 46 U.S.C. 8502 by requiring the Secretary to designate "the approaches to and waters of Prince William Sound, Alaska, if any, on which a vessel subject to this section is not required to be under the direction and control of a pilot licensed under section 7101 of this title." (46 U.S.C. 7101, Issuing and classifying licenses and certificates of registry.) In addition, the OPA 90 amendment states that in the waters between 60°49' North latitude and the Port of Valdez, the pilot may not be a member of the crew of that vessel, must be licensed by the State of Alaska, and must be operating under a Federal license.

Section 4116(a) of OPA 90 is designed to minimize the risks of oil spills in the waters of Prince William Sound by codifying "existing practice with respect to pilotage on vessels entering and departing from Prince William Sound." (House Conf. Rep. No. 101-653, p. 143.) The legislative history of OPA 90 also states that "the Secretary shall consider the pilot's safety in determining the point of embarkation and disembarkation from the vessel" in meeting this objective. (Senate Rep. No. 101-380.)

Hinchinbrook Entrance is approximately 6.5 nautical miles across with prominent points of land that provide good radar definition and deep water for vessels entering Prince William Sound. The approaches to and the transit through Hinchinbrook Entrance up to the pilot station at 60°49' North latitude are relatively free of obstructions. Currently, when a vessel passes through Prince William Sound without a pilot, two licensed deck officers are required to remain on the bridge until the pilot comes aboard at the Bligh Reef pilot station.

Existing practice protects the environment in two ways. First, the deep water, which is well marked with aids to navigation, minimizes navigational risks for vessels entering the Sound through Hinchinbrook Entrance without a Federal pilot. Second, an additional officer on the bridge minimizes the chance that a navigational error will occur, or if one does occur, that it will go uncorrected.

Sea and weather conditions at the entrance to Prince William Sound pose significant dangers to pilots during boarding operations. Existing practice also recognizes the dangers of boarding a pilot at Hinchinbrook Entrance. The Gulf of Alaska is noted for its extreme weather. Wind gusts of 60 knots or greater occur almost monthly during the winter season. With a strong southerly gale at ebb tide, very heavy overfalls and tide rips occur at Hinchinbrook Entrance, creating conditions that are dangerous to small vessels such as those used to embark pilots. Therefore, the State of Alaska requires that a pilot embark a vessel once the vessel is well into the protected waters of the Sound.

For the same reasons, the Coast Guard Captain of the Port (COTP) at Valdez allows vessels to enter Prince William Sound without a Federally licensed pilot on a case by case basis and when navigation is safe. When the owner or operator of a tank vessel knows that the vessel will be arriving at Hinchinbrook Entrance without a pilot, the COTP requires that the owner or operator of the vessel request a pilotage waiver in writing. The vessel without a pilot then must meet a ten-point check of navigational safety equipment and have two deck officers on the bridge assisting with the navigation of the vessel.

The Coast Guard Vessel Traffic System (VTS) in Prince William Sound further reduces the navigational risks for vessels in the Sound. Under 33 CFR 161.310, certain vessels (including all tank vessels greater than 20,000 DWT)

must participate in this vessel traffic system. A vessel must stay in its traffic lane and report to the vessel traffic center any significant course or speed changes. Under a separate rule, tankers in Prince William Sound will also be required to be equipped with automated dependent surveillance equipment by August, 1993. This equipment will enhance the vessel traffic center's monitoring capabilities as well as improve the timeliness and accuracy of the navigational information available to the vessel operators. The VTS also provides current vessel traffic information to all participants, further promoting safe navigation in Prince William Sound.

The Coast Guard published a final rule "Prince William Sound Automated Dependent Surveillance System; Equipment Carriage Requirements" on July 17, 1992 in the **Federal Register** (57 FR 31660) under section 5004 of OPA 90. The rule requires certain vessels to operate with a dependent surveillance system in Prince William Sound, enabling the vessel traffic center to better monitor vessel traffic and fix a vessel's position within 10 meters. This surveillance and positioning system will enhance third party oversight, further increasing navigational safety. The combination of navigational monitoring by the vessel traffic system, a second officer on the bridge, the unobstructed deep open water, and clear radar definition that enables accurate position fixes facilitates safe navigation in the approaches to and waters of Prince William Sound.

The Coast Guard is also developing regulations (CGD 91-222) that will require foreign tankers to navigate with at least two licensed officers on the bridge when in certain waters, including Prince William Sound. Consequently, all U.S. and foreign flag tankers in Prince William Sound will be subject to equivalent bridge manning rules.

Discussion of Proposed Amendments

The Coast Guard is proposing to amend 46 CFR 15.812, Pilots. Section 15.812 specifies the pilotage requirements for vessels subject to 46 U.S.C. 8502. Under this proposal, all vessels subject to 46 U.S.C. 8502 would be required to have a Federal pilot in all waters of Prince William Sound except the waters bounded by the following: on the West by a line one mile west of the western boundary of the Traffic Separation Scheme (TSS) (to keep vessel traffic from using the hazardous approaches to Montague Straits); on the East by 146° West longitude (to align with the Cordova State pilotage station and allow use of the Knowles Head anchorage); on the North by 60°49′ North latitude; and on the South by that area of Hinchinbrook Entrance within the territorial sea bounded by 60°07′ North latitude and 146°31.5′ West longitude. The bounded waters are well marked with aids to navigation and mostly consist of deep, open water with few navigational hazards. Because of the low risk of vessel casualties in the bounded area, a licensed deck officer in addition to the mate on watch would be allowed in lieu of a Federal pilot in this bounded area. The additional licensed deck officer's role is to assist with the navigation of the vessel.

If the Federal pilot boarding station is inside the entrance to Prince William Sound, there will be a reduced risk of pilot death and injury due to dangerous sea and weather conditions common to Hinchinbrook Entrance. This option is consistent with existing local practice and, therefore, would neither increase industry pilotage fees nor delay ships. The legislative history states Congress' intent to codify existing practice, balancing pilot safety and environmental protection.

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).

Because the proposed rule codifies existing practice, the Coast Guard expects no new costs to be associated with this proposed rule. The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation is not necessary.

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 principals and criteria contained in Executive Order 12612 and has determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This proposal clarifies when and where a Federal pilot is required on coastwise seagoing vessels underway in Prince William Sound. This proposal does not apply to vessels that the State of Alaska requires to carry a State licensed pilot. If also does not require a State licensed pilot to procure a Federal license, nor does it affect Alaska's authority to require a State licensed pilot. Therefore, this rule will not preempt any State of Alaska statute or regulation.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation because the rule is administrative in nature. This proposed rule codifies existing practice in Prince William Sound by allowing coastwise seagoing vessels to navigate in certain sections of the Sound with two licensed officers in lieu of a Federal pilot. The Coast Guard has determined that the proposed rule will not have any significant environmental impact. A categorical exclusion determination is available in the docket for inspection or carrying where indicated under "**ADDRESSES**."

List of Subjects in 46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR part 15 as follows:

PART 15—[AMENDED]

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

Authority: 46 U.S.C. 2103, 3703, 8502; 49 CFR 1.45, 1.46.

2. In § 15.812, paragraph (a) introductory text is revised and paragraph (f) is added to read as follows:

§ 15.812 Pilots.

(a) Except as specified in paragraph (f) of this section, the following vessels, when underway and not sailing on register, must be under the direction and control of a pilot:

* * * * *

(f) In Prince William Sound, Alaska:

(1) Vessels subject to this section operating from 60°49' North latitude to the Port of Valdez must be under the direction and control of a Federally licensed pilot who—

(i) Is operating under the Federal license;

(ii) Holds a license issued by the State of Alaska; and

(iii) Is not a member of the crew of the vessel.

(2) Vessels subject to this section operating South of 60°49' North latitude and in the approaches through Hinchinbrook Entrance must navigate with either two licensed officers on the bridge or a Federally licensed pilot in the area bounded—

(i) On the West by a line one mile west of the western boundary of the Traffic Separation Scheme;

(ii) On the East by 146°00' West longitude;

(iii) On the North by 60°49' North latitude; and

(iv) On the South by that area of Hinchinbrook Entrance within the territorial sea bounded by 60°07' North latitude and 146°31.5' West longitude.

* * * * *

Dated: October 21, 1992.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-25896 Filed 10-23-92; 8:45 am]

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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1, 2 (2 Reserved)	(869-017-00001-9)	$13.00	Jan. 1, 1992
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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