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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.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 911

[Docket No. FV-91-299FR]

Limes Grown in Florida; Container Requirements for Seedless Limes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes container, container marking, and pack requirements for fresh seedless limes shipped within the production area. This action was unanimously recommended by the Florida Lime Administrative Committee (committee) at its meeting of June 12, 1991. This action is designed to ensure that fresh seedless limes are shipped in such a manner that they arrive in the marketplace in good condition, and to improve compliance with marketing order handling requirements by making it easier for the committee to determine whether the limes have been inspected and certified as required. This rule also amends § 911.311 to make necessary conforming paragraph redesignations and other miscellaneous changes to update that section.

EFFECTIVE DATE: December 26, 1991.

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) 720-9918.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 911, both as amended (7 CFR part 911), regulating the handling of limes grown in Florida. The 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 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.

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 18 lime handlers subject to regulation under the marketing order. In addition, there are about 260 lime growers in Florida. 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 growers are defined as those whose annual receipts are less than $500,000. The majority of the handlers and growers may be classified as small entities.

A proposed rule concerning this action was issued October 25, 1991, and published in the **Federal Register** (56 FR 56029, October 31, 1991), with a 15-day comment period ending November 15, 1991. No comments were received.

Currently, Florida seedless limes shipped to destinations within and outside the production area in containers prescribed by the regulations must be inspected and certified as meeting the minimum grade, size, juice, pack, and lot marking requirements specified in §§ 911.311, 911.329, and 911.344. Seedless limes shipped in containers other than those prescribed by the regulations must only be inspected and certified as meeting those same minimum size and juice requirements, and may be shipped only to markets within the production area.

This final rule revises § 911.344 (7 CFR 911.344) to require that such limes, shipped within the production area in containers other than those currently authorized under § 911.329, be packed in new or used, rigid closed cardboard containers or wirebound containers. Such containers must be fairly well filled with the fruit to a level not more than ½ inch below the top edge of the container, and must contain not more than 60 pounds of fruit.

In addition, this final rule requires the containers of such limes to be marked with a Federal-State Inspection Service (FSIS) lot stamp number applied to an adhesive tape seal affixed to the container in a manner to prevent the container from being opened and/or the fruit being removed without breaking the seal. The stamp and tape must be affixed to the container by the FSIS or by the handler under the supervision of the FSIS. Only stamps and tape approved by the Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, are to be used for purposes of stamping and sealing containers.

The committee reports that these requirements are needed to improve the quality of seedless limes delivered to markets in the production area in other than authorized containers. The use of unsuitable containers has reportedly resulted in the arrival of bruised and otherwise damaged seedless limes in the production area markets. The container requirements are designed to maintain the arrival condition of seedless limes delivered to such markets, and, thus, improve returns to growers. Poor quality, bruised, and otherwise damaged fruit in the markets depresses prices for better quality fruit and results in lower overall returns to growers.

The committee also reports that, on a number of occasions, substandard, undersized, uninspected limes have been discovered in production area markets. The container marking and sealing requirements are designed to improve compliance with the order because, they make it easier to determine the identity of handlers who ship in violation of order requirements. The requirements also help determine whether containers were inspected and

certified as meeting marketing order requirements.

These requirements should help improve the demand for fresh seedless limes sold within the production area in Florida, and thus are in the interest of growers and handlers.

The final rule also amends § 911.311 to make necessary conforming paragraph redesignations and other miscellaneous changes to update the language of the section. Paragraph (a)(1) is deleted because it is no longer needed. Furthermore, the language in current paragraph (a)(2) pertaining to standard pack for fresh seedless limes is revised to specify that such requirements apply only to seedless limes shipped in containers authorized in § 911.329. This change is made because this action establishes packing requirements in § 911.344 for seedless limes shipped in containers other than those authorized in § 911.329, thus making the "standard pack" requirement for such limes in § 911.311 unnecessary.

The committee works with the Department in administering the marketing agreement and order. The committee meets prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for Florida limes. 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 regulatory requirements would tend to effectuate the declared policy of the Act.

Some Florida lime shipments are exempt from container requirements effective under the order. Exempt are shipments up to 55 pounds during any one day by a handler and gift shipments in individually addressed containers of up to 20 pounds of limes each. Also, limes utilized in commercial processing are not covered by the container requirements.

This action reflects the committee's and the Department's appraisal of the need to improve requirements applicable to shipments of fresh Florida seedless limes within the production area. The Department's view is that this action will benefit lime handlers. The requirements over the past several years have not been sufficient in keeping limes in good condition during shipment to market. Although compliance with these requirements affects costs to handlers, these costs will be significantly offset when compared to the benefits resulting to growers, handlers, and consumers from the fruit being in good condition upon arrival in the marketplace.

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.

Pursuant to 5 U.S.C. 533, 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) Florida limes are shipped to market on a year-round basis, and these container requirements should be made effective as soon as possible to be of maximum benefit to the industry; (2) Florida lime handlers are aware of these requirements which were recommended by the committee at a public meeting; (3) handlers will need no additional time to comply with the requirements; and (4) the proposed rule provided a 15-day comment period, and no comments were received.

List of Subjects in 7 CFR Part 911

Florida, Limes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 911 is amended as follows:

PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 911 continues to read as follows:

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

2. Section 911.311 is amended by revising the section heading; by removing current paragraph (a)(1); by redesignating paragraph (b) as paragraph (e); by redesignating paragraphs (a)(2) through (a)(5) as paragraphs (a) through (d); by redesignating paragraphs (a)(2)(i) through (a)(2)(v) as paragraphs (a)(1) through (a)(5); and by revising redesignated paragraphs (a) introductory text, (b), and (c) to read as follows:

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

§ 911.311 Florida lime pack and container marking regulation.

(a) No handler shall handle any limes grown in the production area, of the group known as seedless, large fruited, or Persian limes (including Tahiti, Bearss and similar varieties), in any container specified in § 911.329, unless such limes meet the requirements of standard pack and each container in each lot is marked or stamped on one outside end in letters at least ¼ inch in height to show the United States grade applicable to such lot and either the average juice content of the limes in such lot or the phrase "average juice content forty-two percent (42%) or more": *Provided,* That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the following, which appropriately identifies the grade:

* * * * *

(b) No handler shall handle any limes grown in the production area in any container specified in § 911.329 unless such container is marked with a Federal or Federal-State Inspection Service lot stamp number showing that the limes have been inspected in accordance with regulations issued under § 911.48 of the marketing order.

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to individual packages of limes not exceeding four pounds, net weight, that are within master containers, except that if such packages are individual bags, either such bags or the master containers thereof shall be marked or labeled in accordance with the requirements of paragraph (a) of this section, and master containers shall be marked or labeled in accordance with the requirements of paragraph (b) and the requirements of § 911.329(a)(2)(v).

* * * * *

3. Section 911.344 is amended by revising the section heading and paragraph (a)(2) to read as follows:

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

§ 911.344 Florida lime grade, size, and container regulation.

(a) * * *

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of §§ 911.311 and 911.329 and grade at least U.S. Combination, Mixed Color: *Provided,* That at least 75 percent, by count, of the limes in the lot meet the requirements of the U.S. No. 1 grade, and the remainder meet the requirements of the U.S. No. 2 grade: *Provided further,* That stem length shall not be considered a factor of grade: *Provided further,* That such limes not meeting these requirements may be handled within the production area if:

(i) They meet the size requirements in paragraph (a)(3) of this section;

(ii) They contain not less than 42 percent juice content by volume;

(iii) They are packed in containers other than those authorized under § 911.329: *Provided,* That they are packed in closed new or used rigid cardboard or wire-bound containers which are fairly well filled with the fruit not more than ½ inch below the top edge of the container, containing not more than 60 pounds, net weight, of limes; and

(iv) They are in containers marked with a Federal-State Inspection Service (FSIS) lot stamp number applied to an adhesive tape seal affixed to the container in a manner to prevent the container from being opened and/or the fruit being removed without breaking the seal. The stamp and tape shall be affixed to the container by the FSIS or by the handler under the supervision of the FSIS. Only stamps and tape which have been approved by the Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, may be used for purposes of stamping and sealing containers to meet these requirements.

* * * * *

Dated: December 19, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91-30733 Filed 12-24-91, 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1139

[Docket No. AO-309-A31, DA-91-018]

Milk in the Great Basin Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the period of December 1991 through August 1992 provisions of the Great Basin order limiting the amount of milk that a producer-handler may purchase from pool plants or other order plants without losing its unregulated status. The same provisions were previously suspended for the period of December 1990 through August 1991 based on a public hearing held at Salt Lake City, Utah, on August 27–28, 1990. The suspension is needed to facilitate the orderly marketing of milk.

EFFECTIVE DATE: December 1, 1991.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–6274.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing: Issued August 14, 1990; published August 20, 1990 (55 FR 33915).

Order suspending rule: Issued December 17, 1990; published December 26, 1990 (55 FR 52981).

Notice of Proposed Suspension: Issued November 18, 1991; published November 25, 1991 (56 FR 59223).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain producer-handlers and tends to encourage more orderly marketing of milk in the Great Basin marketing area.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under the criteria contained therein.

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

Notice of proposed rulemaking was published in the **Federal Register** on November 25, 1991 (56 FR 59223) concerning a proposed suspension of certain provisions of the order. Interested persons were offered the opportunity to file written data, views, and arguments thereon. One comment in support of the suspension and one comment in opposition to the suspension were received.

After consideration of all relevant material, including the record of the hearing, the proposal in the notice, comments received, and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act for the months of December 1991 through August 1992:

In § 1139.10(b)(1)(ii), the words, "in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person's Class I disposition during the month."

Statement of Consideration

This action makes inoperative for the months of December 1991 through August 1992 or until the amendatory formal rulemaking proceeding is concluded, whichever is earlier, the provisions of the Great Basin milk order that limit the amount of milk that a producer-handler may purchase from pool plants and other order plants. Under the current provisions, the amount of milk that a producer-handler may buy monthly from pool plants or from other order plants to supplement its own production is limited to 5,000 pounds or 5 percent of its Class I sales, whichever is greater.

This provision was previously suspended for the months of December 1990 through August 1991. The suspension was requested by Brown Dairy, Inc., a producer-handler located in Coalville, Utah, pending completion of action on several proposed amendments to the Great Basin order that were considered at the hearing held August 27–28, 1990 at Salt Lake City, Utah.

At the hearing Brown Dairy, Inc., supported its proposed amendment to relax the limits on producer-handler purchases from pool plants which is now under consideration. Proponent contends that the order's limit on purchases from regulated sources does not provide producer-handlers with sufficient flexibility in making seasonal sales to nearby winter ski resorts and summer camps. Brown Dairy also contends that a suspension of the limit on supplemental purchases during the higher production months of the year would not provide producer-handlers any competitive advantage because they would be required to pay the order's Class I price for such milk. Furthermore, producers under the Great Basin order would continue to receive the benefits of such Class I sales since such supplemental purchases would be from pool plants.

At the hearing and in comments filed after the hearing, Western Dairymen Cooperative, Inc. (WDCI) stated that the cooperative association was opposed to the suspension. WDCI stated that the current provision adequately allows a producer-handler to compensate for the seasonal nature of milk production by purchasing limited quantities of supplemental milk from pool plants or other order plants and still maintain its exemption from pooling.

WDCI indicated the producer-handlers can market their own milk without sharing their Class I utilization with other producers. WDCI contended the producer-handlers have a competitive advantage over fully regulated distributing plants because they are not required to account to the producer-settlement fund at the Class I price for all their milk disposed in fluid form. WDCI stated that if a producer-

handler, as in Brown's case, desires to expand its business beyond the capacity of its own production by bidding on contracts such as summer camps, that they should come under the same regulations as any other handler.

WDCI also filed comments in opposition to the notice of proposed suspension issued November 18, 1991. WDCI stated that the present provisions allow a producer-handler to acquire adequate supplies of fluid milk products from pool plants or other order plants to compensate for the seasonal nature of milk production. Also, WDCI believes the suspension of this provision allows a producer-handler to shift the burden of carrying his reserve supply to the producers and gives the producer-handler a competitive advantage in competing with fully regulated handlers. Their arguments in opposition can be characterized as speculative in nature and, therefore, should be disregarded.

Ideal Dairy, another producer-handler located in Richfield, Utah, testified briefly in support of Brown Dairy's proposal that would permit producer-handlers to purchase larger quantities of fluid milk than under the present regulations during nine months of the year.

The basis for producer-handler exemption from full regulation is that producer-handlers are usually small-volume operations that tend to be self-sufficient in maintaining the burden of their own reserve milk supplies. The order's limit on supplemental purchases is intended to prevent producer-handlers from shifting the burden of maintaining a reserve milk supply to pool producers, particularly the seasonal reserves that result from the seasonal variation in milk production. Otherwise, a producer-handler could shift this burden to pool producers by maintaining sales accounts equal to its production in peak-production months and then buying supplemental milk from pool sources during the low-production months (September through November).

By keeping the supplemental purchase limit in effect for the seasonally low-production months of September through November, the pool producers would tend to be protected from carrying the seasonal reserve supply burden of producer-handlers. In addition, if the limit were applied only during such months, it would provide an incentive for producer-handlers to change their breeding program to effect peak production during the market's low-production months and obtain supplemental supplies during the period of higher production in the market. This would tend to lessen the burden of wide seasonal swing in the volume of total reserve supplies in the market and thereby contribute to marketing efficiencies. In addition, it would tend to discourage excess surplus production by producer-handlers. Also, it would facilitate potential marketing efficiency that may be gained by enabling producer-handlers to service nearby ski resort and summer camp accounts.

It therefore is concluded that the limit should be suspended for the months of December 1991 through August 1992, or until such time as the amendatory rulemaking noticed at 55 FR 33915–33918 (August 20, 1990) is completed if that date is earlier.

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

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that unnecessary production of surplus milk by producer-handlers is being encouraged by the limit on purchases of pool milk by producer-handlers and the limit is unduly disrupting the marketing of milk to seasonal recreational sales accounts in the marketing area;

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

(c) The marketing problems that provide the basis for the suspension were fully reviewed at a public hearing and all interested parties had the opportunity of being heard on this matter.

Therefore, good cause exists for making this order effective December 1, 1991.

List of Subjects in 7 CFR Part 1139

Milk.

It is therefore ordered, That the following provisions in § 1139.10 of the Great Basin order are hereby suspended for the months of December 1991 through August 1992 or until such time as the amendatory rulemaking noticed at 55 33915–33918 (August 20, 1990) is completed, if that date is earlier.

PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

1. The authority citation for 7 CFR part 1139 continues to read as follows:

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

§ 1139.10 [Temporarily suspended in part]

2. In § 1139.10(b)(1)(ii), the words "in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person's Class I disposition during the month" are suspended for the months of December 1991 through August 1992.

Signed at Washington, DC, on: December 18, 1991.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 91–30744 Filed 12–24–91; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 91–157]

Contagious Equine Metritis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding horses from countries affected with contagious equine metritis (CEM), so that all paragraph references in the regulations will refer to current paragraph designations. These changes are necessary to clarify the regulations.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Karen James, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 765, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8590.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92, referred to below as the regulations, govern the importation into the United States of specified animals and animal products, to prevent the introduction into the United States of various diseases, including contagious equine metritis (CEM). CEM is a venereal disease of horses that affects fertility and breeding. Section 92.301 of the regulations authorizes the importation of certain horses into the United States from countries affected with CEM, when specific requirements to prevent the horses from introducing CEM into the United States are met. Section 92.304 of the regulations, among other things, sets forth requirements for import permits for horses from countries affected with CEM.

On April 17, 1991, we published in the **Federal Register** a final rule (56 FR 15486–15493. Docket No. 90–160), in which we made a number of amendments to the regulations regarding horses from countries affected

with CEM. In that final rule, we added and amended a number of paragraphs, and redesignated other paragraphs as necessary. In certain cases, however, we did not make corresponding changes to paragraph references in the existing regulations. Therefore, following publication of our April 17, 1991, final rule, certain provisions in the regulations referred to outdated paragraph designations. To clarify the regulations, we are amending references to paragraph designations in §§ 92.301 and 92.304 to reflect current paragraph designations. We are also making certain nonsubstantive changes to the regulations to amend paragraph references that appeared incorrectly due to previous typographical errors.

This rule corrects references to paragraph designations in the regulations. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register.** Further, because this rule makes nonsubstantive corrections to the regulations, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

These programs/activities under 9 CFR part 92 are listed in the Catalog of Federal Domestic Assistance under No. 10.025 and are subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock and livestock products, Quarantine, Transportation.

Accordingly, we are amending 9 CFR part 92 as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.301 [Amended]

2. In § 92.301, paragraph (c)(2)(vi)(A)(*1*) is amended by removing the reference to "§ 92.4" and adding in its place a reference to "§ 92.304 of this part".

3. In § 92.301, paragraph (c)(2)(vi)(A)(*2*) is amended by removing the reference to "§ 92.17" and adding in its place a reference to "§ 92.314 of this part".

4. In § 92.301, paragraph (c)(2)(vii)(B)(*5*) is amended by removing the reference to "paragraph (c)(2)(vi)(D)" and adding in its place a reference to "paragraph (c)(2)(vii)(D)".

5. In § 92.301, paragraph (c)(2)(vii)(B)(*6*) is amended by removing the reference to "paragraph (c)(2)(vi)" and adding in its place a reference to "paragraph (c)(2)(vii)".

6. In § 92.301, the reference to "paragraph (c)(2)(iv)(B)" is removed and a reference to "paragraph (c)(2)(vii)(B)" is added in its place in the following places:

a. Paragraph (c)(2)(vii)(D), both sentences; and

b. Paragraph (c)(2)(vii)(E).

7. In § 92.301, paragraph (c)(2)(viii)(B)(*2*) is amended by removing the reference to "paragraphs (c)(2)(vii)(B)(*1*)" and adding in its place a reference to "paragraphs (c)(2)(viii)(B)(*1*)".

8. In § 92.301, paragraph (c)(2)(viii)(B)(*7*) is amended by removing the reference to "paragraph (c)(2)(vii)(B)(*6*)" and adding in its place a reference to "paragraph (c)(2)(viii)(B)(*6*)".

9. In § 92.301, paragraph (c)(2)(viii)(C)" is amended by removing the reference to "paragraph (c)(2)(vii)(G)" and adding in its place a reference to "paragraph (c)(2)(viii)(G)".

10. In § 92.301, paragraph (c)(2)(viii)(E)" is amended by removing the reference to "paragraph (c)(2)(vii)(A)" and adding in its place a reference to "paragraph (c)(2)(viii)(A)".

11. In § 92.301, paragraph (c)(2)(viii)(G), the first sentence is amended by removing the reference to "paragraph (c)(2)(vii)" and adding in its place a reference to "paragraph (c)(2)(viii)".

12. In § 92.301, paragraph (c)(2)(viii)(G)" the second sentence is amended by removing the reference to "paragraph (i)(2)(vii)" and adding in its place a reference to "paragraph (c)(2)(viii)".

13. In § 92.301, paragraph (c)(2)(viii)(G)" the second sentence is amended by revising the words "paragraph (c)(2)(vii)(B)(*2*)" of this section; and (*3*) to supervise the cleaning and disinfection required by paragraph (c)(2)(viii)(B)(*6*) of this section." to read "paragraph (c)(2)(viii)(B)(*2*) of this section; and (*3*) to supervise the cleaning and disinfection required by paragraph (c)(2)(viii)(B)(*6*) of this section.".

14. In § 92.301, paragraph (c)(2)(viii)(G), the third sentence is amended by removing the reference to "(c)(2)(viii)(H)" and adding in its place a reference to "(c)(2)(viii)(H)".

15. In § 92.301, the reference to "paragraph (c)(2)(viii)(B)" is removed and a reference to "paragraph (c)(2)(vii)(B)" is added in its place in the following places:

a. Paragraph (c)(2)(viii)(G), sixth sentence; and

b. Paragraph (c)(2)(viii)(H).

§ 92.304 [Amended]

16. In § 92.304, paragraph (a)(1)(i) is amended by removing the reference to "§ 92.2(c)(1)" and adding in its place a reference to "§ 92.301(c)(1)".

17. In § 92.304, the reference to "§ 92.301(c)(2)(vii)" is removed and a reference to "§ 92.301(c)(2)(viii)" is added in its place in the following places:

a. Paragraph (a)(1)(ii), both times it appears; and

b. Paragraph (a)(1)(iii).

18. In § 92.304, the paragraph designation for paragraph (a)(4)(ii) that reads "(4)(ii)" is revised to read "(ii)".

19. In § 92.304, the paragraph designation for paragraph (a)(8)(iii)(A), which appears incorrectly as (a)(8)(iii)(A)(1), is revised by removing the "(1)".

20. Section 92.304 is amended by removing the reference to "§ 92.301(c)(2)(vi)" and adding in its place a reference to "§ 92.301(c)(2)(vii)" in the following places:

a. Paragraph (a)(8)(iii)(B); and

b. Paragraph (a)(8)(iii)(E), the first sentence.

21. In § 92.304, paragraph (a)(8)(iii)(C) is amended by removing the reference to "§ 92.304(a)(8)(iii)(A)" and adding in its place a reference to "§ 92.304(a)(8)(iii)(B)".

22. In § 92.304, paragraph (a)(8)(iii)(D) is amended by revising the words "§ 92.2(c)(2)(vii)" if any specimen required by this section or by "§ 92.2(c)(2)(v)(G)" § 92.2(c)(2)(vi)(F)" or § 92.2(c)(2)(vi)(G)" to read "§ 92.301(c)(2)(vii), if any specimen required by this section or by § 92.301(c)(2)(v)(G), § 92.301(c)(2)(vi)(F), or § 92.301(c)(2)(vi)(G) of this part.

Done in Washington, DC, this 13th day of December 1991.

Robert Melland,

Administrator, Animal and Plant Health Inspector Service.

[FR Doc. 91-30342 Filed 12-24-91; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Parts 101-108, 109, and 112-118

[Docket No. 90-170]

Viruses, Serums, Toxins, and Analogous Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the veterinary biologics regulations by removing all references to "Deputy Administrator" and replacing them with references to "Administrator." We are also removing all references to "Veterinary Services" and replacing them with references to "Animal and Plant Health Inspection Service" (APHIS). These changes are warranted so that regulations will accurately reflect that the Administrator of the Agency holds the primary authority and responsibilities for various decisions under the regulations.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Y. Tang, Biotechnologist, BCTA, BBEP, APHIS, USDA, room 851, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-4833.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR parts 101-118 concern veterinary biologics. Prior to the effective date of this document, these regulations indicated that the Deputy Administrator of the Animal and Plant Health Inspection Service (APHIS) for Veterinary Services (VS) was the official responsible for various decisions under these regulations. We are revising 9 CFR parts 101-118 to indicate that the primary authority and responsibility for various decisions under these regulations belong to the Administrator of the Agency. We are making similar revisions in all other APHIS regulations. These revisions will be published in separate **Federal Register** documents.

With these changes the term "Deputy Administrator" no longer appears in the text of the regulations. Therefore, we are deleting the definition of "Deputy Administrator." We are also adding a definition of "Animal and Plant Health Inspection Service". In addition, we are making non-substantive wording changes for clarity.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects

9 CFR Part 101

Animal biologics.

9 CFR Part 102

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 103

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 104

Animal biologics, Imports, Reporting and recordkeeping requirements, Transportation.

9 CFR Parts 105-109

Animal biologics.

9 CFR Part 112

Animal biologics, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

9 CFR Part 114

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 115

Animal biologics.

9 CFR Part 116

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 117

Animal biologics, and Animals.

9 CFR Part 118

Animal biologics.

Accordingly, we are amending 9 CFR parts 101 through 109 and 112 through 118 as follows:

Part 101—DEFINITIONS

1. The authority citation for part 101 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 101.2, the terms are rearranged alphabetically without paragraph designations; the definition of "Deputy Administrator" is removed and the definitions of "Administrator" and "Animal and Plant Health Inspection Service" are added in alphabetical order to read as follows:

§ 101.2 Administrative terminology.

* * * * *

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The agency in the Department of Agriculture responsible for administering the Virus-Serum-Toxin Act.

§§ 101.2, 101.3, 101.4, 101.5 [Amended]

* * * * *

3. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" added in their place:

(a) Section 101.2, in the definition of "Inspector";

(b) Section 101.3(k);

(c) Section 101.4(g);

(d) Section 101.5(a); (c); (f).

§§ 101.2, 101.5 [Amended]

4. In the following places, the word "Deputy" is removed:

(a) Section 101.2, in the definition of "Inspector";
(b) Section 101.5(c).

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

5. The authority citation for part 102 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 102.4, 102.5 [Amended]

6. In the following places, the words "Deputy Administrator, Veterinary Services" are removed and the word "Administrator" is added in their place:
(a) Section 102.4(c);
(b) Section 102.5(c).

7. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:
(a) Section 102.3(a)(1); (a)(4).

§§ 102.2, 102.3, 102.4, 102.5 [Amended]

8. In the following places, the word "Deputy" is removed:
(a) Section 102.1 heading; introductory text;
(b) Section 102.2;
(c) Section 102.3(a); (b);
(d) Section 102.4(a); (b)(1); (b)(2); (b)(2)(ii); (f); (g); (h); (h)(1);
(e) Section 102.5(a); (b)(5); (d)(1); (d)(3); (e).

PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

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

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 103.1, 103.2, 103.3 [Amended]

10. In the following places, the word "Deputy" is removed:
(a) Section 103.1 [second and fourth sentences];
(b) Section 103.2(a); (c);
(c) Section 103.3 introductory text [second sentence—twice], [third sentence]; (f); (g); and (h).

§ 103.3 [Amended]

11. In § 103.3(e), the words "the Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place.

PART 104—PERMITS FOR BIOLOGICAL PRODUCTS

12. The authority citation for part 104 continues to read as follows:

Authority: 21 U.S.C. 151–159, 7 CFR 2.17, 2.51, and 371.2(d).

§§ 104.1, 104.2, 104.3, 104.5, 104.6 [Amended]

13. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:
(a) Section 104.1(b);
(b) Section 104.2(a), introductory text;
(c) Section 104.3(a);
(d) Section 104.5(a)(1); (a)(4); (a)(5); (b)(4);
(e) Section 104.6(a); (b).

§§ 104.1, 104.2, 104.4, 104.5 [Amended]

14. In the following places, the word "Deputy" is removed:
(a) Section 104.1 introductory text;
(b) Section 104.2(b); (c);
(c) Section 104.4(b);
(d) Section 104.5(a)(3); (b)(1); (b)(4).

§ 104.7 [Amended]

15. In § 104.7(a), the words "Veterinary Services" are removed and the word "Administrator" is added in their place.

PART 105—SUSPENSION OF BIOLOGICS LICENSES OR PERMITS

16. The authority citation for part 105 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.15, and 371.2(d).

§ 105.2 [Amended]

17. In § 105.2, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place.

§§ 105.3, 105.4 [Amended]

18. In the following places, the word "Deputy" is removed:
(a) Section 105.3(b);
(b) Section 105.4.

PART 106—EXEMPTION FOR BIOLOGICAL PRODUCTS USED IN DEPARTMENT PROGRAMS OR UNDER DEPARTMENT CONTROL OR SUPERVISION

19. The authority citation for part 106 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§ 106.1 [Amended]

20. In § 106.1, the word "Deputy" is removed.

PART 107—EXEMPTIONS FROM PREPARATION PURSUANT TO AN UNSUSPENDED AND UNREVOKED LICENSE

21. The authority citation for part 107 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 107.1 and 107.2 [Amended]

22. In the following places, the word "Deputy" is removed.
(a) Section 107.1 introductory text;
(b) Section 107.2, paragraphs (a) twice; (c) twice; and (d) once.

§ 107.1 [Amended]

23. In § 107.1(a)(2), the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in its place.

PART 108—FACILITY REQUIREMENTS FOR LICENSED ESTABLISHMENTS

24. The authority citation in part 108 is revised to read as follows:

21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§ 108.1 [Amended]

25. In § 108.1, the word "Deputy" is removed.

§§ 108.6, 108.7, 108.11 [Amended]

26. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:
(a) Section 108.6 introductory text; (a);
(b) section 108.7 [first and last sentences];
(c) Section 108.11.

PART 109—STERILIZATION AND PASTEURIZATION AT LICENSED ESTABLISHMENTS

27. The authority citation for part 109 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 109.1, 109.2 [Amended]

28. In the following places, the word "Deputy" is removed:
(a) Section 109.1(a);
(b) Section 109.2.

§ 109.3 [Amended]

29. In § 109.3, introductory text, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place.

PART 112—PACKAGING AND LABELING

30. The authority citation for part 112 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 112.2, 112.5, 112.7 [Amended]

31. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their places:

(a) Section 112.2(e);

(b) Section 112.5 introductory text; (a); (b); (c); (d)(1)(i); (d)(1)(ii); (d)(4); (f);

(c) Section 112.7(l).

§§ 112.1, 112.2, 112.7, 112.8, 112.9) [Amended]

32. In the following places, the word "Deputy" is removed:

(a) Section 112.1 introductory text;

(b) Section 112.2(a)(8);

(c) Section 112.7(e);

(d) Section 112.8(a)(2);

(e) Section 112.9(c).

PART 113—STANDARD REQUIREMENTS

33. The authority citation for part 113 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 113.2, 113.3, 113.5, 113.6, 113.8, 113.9, 113.31, 113.39, 113.53, 113.54, 113.64, 113.66, 113.67, 113.106, 113.107, 113.108, 113.109, 113.111, 113.112, 113.119, 113.120, 113.121, 113.209, 113.210, 113.211, 113.212, 113.213, 113.214, 113.302, 113.303, 113.304, 113.305, 113.306, 113.307, 113.308, 113.310, 113.311, 113.312, 113.313, 113.314, 113.315, 113.316, 113.317, 113.318, 113.325, 113.326, 113.327, 113.328, 113.239, 113.330, 113.331, 113.332, 113.406, 113.408, 113.409, 113.453, 113.454, 113.455 [Amended]

34. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

(a) Section 113.2(e);

(b) Section 113.3 introductory text; (a)(2); (b)(8); (b)(9); (c)(4);

(c) Section 113.5(c) [twice]; (e);

(d) Section 113.6 heading; (b);

(e) Section 113.8(a)(2); (b); (c) introductory text; (c)(4)(i);

(f) Section 113.9 introductory text;

(g) Section 113.31 introductory text; (a)(1); (b)(2);

(h) Section 113.39(a)(1)(iii);

(i) Section 113.53(e);

(j) Section 113.54(a);

(k) Section 113.64(c);

(l) Section 113.66(b)(3); (b)(7);

(m) Section 113.67(b)(3); (b)(8);

(n) Section 113.106(c)(2);

(o) Section 113.107(c)(2);

(p) Section 113.108(c)(2);

(q) Section 113.109(c)(2);

(r) Section 113.111(c)(1)(iv); (c)(1)(v);

(s) Section 113.112(c)(1)(iv); (c)(1)(v);

(t) Section 113.119(c)(1);

(u) Section 113.120(c)(1);

(v) Section 113.121(c)(1);

(w) Section 113.209(b) [second sentence]; (b)(3)(iv) [twice]; (b)(5);

(x) Section 113.210(c); (d)(2)(iii); (d)(2)(v);

(y) Section 113.211(c); (d)(2)(iii); (d)(2)(v);

(z) Section 113.212(c); (d)(2)(iii);

(aa) Section 113.213(b); (c)(2)(ii); (c)(2)(vi);

(ab) Section 113.214(b)(1) [last sentence]; (b)(2); (b)(3); (b)(5);

(ac) Section 113.302(c)(1); (c)(5);

(ad) Section 113.303(b); (c)(1); (c)(5);

(ae) Section 113.304(c)(3); (c)(5);

(af) Section 113.305(c)(5);

(ag) Section 113.306(c)(3); (c)(5);

(ah) Section 113.307(c)(3); (c)(5);

(ai) Section 113.308(b)(6);

(aj) Section 113.309(c)(10);

(ak) Section 113.310(c)(9);

(al) Section 113.311(c)(8);

(am) Section 113.312(b); (b)(3)(iv) [first and third sentences]; (b)(7);

(an) Section 113.313(c)(5); (c)(7);

(ao) Section 113.314(c)(3) introductory text; (c)(3)(ii); (c)(5);

(ap) Section 113.315(c)(3); (c)(5);

(aq) Section 113.316(b)(3); (b)(6);

(ar) Section 113.317(b); (c)(3); (c)(5);

(as) Section 113.318(b)(3); (b)(5);

(at) Section 113.325(c)(6);

(au) Section 113.326(c)(3); (c)(6);

(av) Section 113.327(c)(3); (c)(5);

(aw) Section 113.328(c)(3); (c)(4); (c)(7);

(ax) Section 113.329(c)(3); (c)(6); (c)(7);

(ay) Section 113.330(d)(3);

(az) Section 113.331(c)(2); (c)(3); (c)(5);

(ba) Section 113.332(c)(2); (c)(3); (c)(5);

(bb) Section 113.406 introductory text; (c);

(bc) Section 113.408 introductory text;

(bc) Section 113.409 introductory text; (c); (c)(2)(i); (c)(2)(ii);

(bd) Section 113.453(c) introductory text;

(be) Section 113.454(c)(1)(iv); (c)(1)(v);

(bf) Section 113.455(c)(1)(iv); (c)(1)(v);

§§ 113.52, 113.53, 113.55, and 113.408 [Amended]

35. In the following places, the term "VS" is removed and the term "APHIS" is added in its place:

(a) Section 113.52(b)(5); (h);

(b) Section 113.53(b); (c); (c)(2);

(c) Section 113.55(a)(3);

(d) Section 113.408(b); (f).

§§ 113.3, 113.4, 113.6, 113.8, 113.25, 113.26, 113.27, 113.35, 113.47, 113.113, 113.450 [Amended]

36. In the following places, the word "Deputy" is removed:

(a) Section 113.3(a) [twice]; (a)(1)(ii); (b); (c);

(b) Section 113.4(a);

(c) Section 113.6(a);

(d) Section 113.8(a); (c)(4)(i);

(e) Section 113.25(d);

(f) Section 113.26 introductory text;

(g) Section 113.27 introductory text;

(e) Section 113.35(b);

(f) Section 113.47(b) [second and third sentences];

(g) Section 113.113(a)(2) [second and third sentences]; (b);

(h) Section 113.450(b)(2);

§§ 113.52, 113.53, 113.55, 113.408 [Amended]

37. In § 113.52 paragraph (a)(3), § 113.53, introductory text; § 113.55, paragraph (a)(3); and § 113.408, introductory text; the term "Veterinary Services (VS)" is removed and replaced with "Animal and Plant Health Inspection Service (APHIS)".

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

38. The authority citation for part 114 continues to read as follows:

Authority: 21 U.S.C. 151–159, 7 CFR 2.17, 2.51, and 371.2(d).

§§ 114.2, 114.3, 114.5, 114.7, 114.8, 114.9, 114.13, 114.14, 114.17, 114.18 [Amended]

39. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

(a) Section 114.2(b)(4);

(b) Section 114.3(d);

(c) Section 114.5;

(d) Section 114.7(a) [first and second sentences];

(e) Section 114.8 introductory text [first and second sentences]; paragraph (a) [first and second sentences]; paragraphs (b); (c); (d); (e)(1);

(f) Section 114.9(a)(3); (a)(7); (b);

(g) Section 114.13 introductory text;

(h) Section 114.14(b); (b)(1);

(i) Section 114.17(d); (e);

(j) Section 114.18(d) [first and second sentences].

§§ 114.1, 114.2, 114.3, 114.5, 114.8, 114.10, 114.15, 114.17, 114.18 [Amended]

40. In the following places, the word "Deputy" is removed:

(a) Section 114.1 [first and second sentences];

(b) Section 114.2 (b); (c); (d)(3);

(c) Section 114.3(c);
(d) Section 114.5;
(e) Section 114.8 (e); (f) [first and second sentences];
(f) Section 114.10(a);
(g) Section 114.15;
(h) Section 114.17 introductory text;
(i) Section 114.18 introductory text.

41. In § 114.2(d)(2), "VS Form14–3" is removed (2 places) and "APHIS Form 2003" is added in its place. In the address in the last sentence the term "VS" is removed.

PART 116—RECORDS

42. The authority citation for part 116 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

43. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:
(a) Section 116.5;
(b) Section 116.7 [second and third sentences].

§§ 116.2, 116.5, 116.8 [Amended]

44. In the following places, the word "Deputy" is removed:
(a) Section 116.2(b);
(b) Section 116.5;
(c) Section 116.8.

PART 117—ANIMALS AT LICENSED ESTABLISHMENTS

45. The authority citation for part 117 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 117.1, 117.3, 117.6 [Amended]

46. In the following places, the word "Deputy" is removed:
(a) Section 117.1 (a); (b);
(b) Section 117.3 (c); (e).
(c) Section 117.6(e).

PART 118—DETENTION; SEIZURE, AND CONDEMNATION

47. The authority citation for part 118 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 118.1, 118.2, 118.3, 118.4 [Amended]

48. In the following places, the word "Deputy" is removed:
(a) Section 118.1;
(b) Section 118.2 introductory text; (b); (c) [first sentence—twice];
(c) Section 118.3(a)—twice; (b);
(d) Section 118.4, [second sentence].

Done in Washington, DC, this 13th day of December 1991.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91–30343 Filed 12–24–91; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 113

[Docket No. 91–166]

Viruses, Serums, Toxins, and Analogous Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the veterinary biologics regulations under part 113 to update cross references to section numbers which inadvertently were not updated when part 113 sections were redesignated. These changes are necessary so that the regulations will accurately reflect the section numbers in part 113.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 838, 6505 Belcrest Road, Hyattsville, MD 20782, telephone 301–436–8245.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 113 concern Standard Requirements for the preparation of veterinary biologics. The section numbers in part 113 were redesignated in a final rule published on August 31, 1990, (55 FR 35556–35563, Docket No. 89–151) and effective October 1, 1990. However, cross references in part 113 were not updated to reflect the new section numbers. Updating these cross reference section numbers is necessary in order to accurately reflect the redesignation of these section numbers.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 113 to read as follows:

PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 113.7, 113.101, 113.103, 113.104, 113.105, 113.106, 113.107, 113.108, 113.109, 113.110, 113.111, 113.112, 113.114, 113.115, 113.116, 113.117, 113.118, 113.119, 113.120, 113.121, 113.122, 113.123 [Amended]

2. In the following places, the reference "§ 113.85" is removed and "§ 113.100" is added in its place as follows:
(a) Section 113.7(d);
(b) Section 113.101, introductory paragraph;
(c) Section 113.102, introductory paragraph;
(d) Section 113.103, introductory paragraph;
(e) Section 113.104, introductory paragraph;
(f) Section 113.105, introductory paragraph;
(g) Section 113.106, introductory paragraph;
(h) Section 113.107, introductory paragraph;
(i) Section 113.108, introductory paragraph;
(j) Section 113.109, introductory paragraph;
(k) Section 113.110, introductory paragraph;
(l) Section 113.111, introductory paragraph;
(m) Section 113.112, introductory paragraph;
(n) Section 113.114, introductory paragraph;

(o) Section 113.115, introductory paragraph;
(p) Section 113.116, introductory paragraph;
(q) Section 113.117, introductory paragraph;
(r) Section 113.118, introductory paragraph;
(s) Section 113.119, introductory paragraph;
(t) Section 113.120, introductory paragraph;
(u) Section 113.121, introductory paragraph;
(v) Section 113.122, introductory paragraph; and
(w) Section 113.123, introductory paragraph.

§§ 113.201, 113.202, 113.203, 113.204, 113.205, 113.206, 113.207, 113.208, 113.209, 113.210, 113.211, 113.212, 113.213, 113.214, 113.216 [Amended]

3. In the following places, the reference "§ 113.120" is removed and "§ 113.200" is added in its place as follows:
(a) Section 113.201, introductory paragraph;
(b) Section 113.202, introductory paragraph;
(c) Section 113.203, introductory paragraph, both places it appears;
(d) Section 113.204, introductory paragraph;
(e) Section 113.205, introductory paragraph, both places it appears;
(f) Section 113.206 (a) and (c), both places it appears;
(g) Section 113.207, introductory paragraph, both places it appears;
(h) Section 113.208, introductory paragraph;
(i) Section 113.209 (a) and (d);
(j) Section 113.210 (a) and (d);
(k) Section 113.211 (a) and (d);
(l) Section 113.212 (a) and (d);
(m) Section 113.213 (a) and (c);
(n) Section 113.214 (a) and (c); and
(o) Section 113.216(c).

§§ 113.8, 113.71, 113.301, 113.302, 113.303, 113.304, 113.305, 113.306, 113.307, 113.308, 113.309, 113.310, 113.311, 113.312, 113.313, 113.314, 113.315, 113.316, 113.317, 113.318, 113.325, 113.326, 113.327, 113.328, 113.329, 113.330, 113.331, 113.332 [Amended]

4. In the following places, the reference "§ 113.135" is removed and "§ 113.300" is added in its place as follows:
(a) Section 113.8(a)(1);
(b) Section 113.71(c);
(c) Section 113.301, introductory paragraph, both places it appears;
(d) Section 113.302 (a) and (d);
(e) Section 113.303 (a) and (d);
(f) Section 113.304 (a) and (d);
(g) Section 113.305 (a) and (d);
(h) Section 113.306 (a) and (d);
(i) Section 113.307 (a), both places it appears, and (d), both places it appears;
(j) Section 113.308 (a) and (c);
(k) Section 113.309 (a) and (d);
(l) Section 113.310 (a) and (d);
(m) Section 113.311 (a) and (d);
(n) Section 113.312 (a) and (d);
(o) Section 113.313 (a) and (d);
(p) Section 113.314 (a) and (d);
(q) Section 113.315 (a) and (d);
(r) Section 113.316 (a) and (c);
(s) Section 113.317 (a) and (d);
(t) Section 113.318 (a) and (c);
(u) Section 113.325 (a) and (d);
(v) Section 113.326 (a) and (d);
(w) Section 113.327 (a) and (d);
(x) Section 113.328 (a) and (d);
(y) Section 113.329 (a) and (d);
(z) Section 113.330(a);
(aa) Section 113.330(d), both places it appears;
(ab) Section 113.331 (a) and (d); and
(ac) Section 113.332 (a) and (d).

Done in Washington, DC, this 13th day of December 1991.

Robert Melland,

Administrator, Animal and Plan Health Inspection Service.

[FR Doc. 91-30344 Filed 12-24-91, 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 29

[Docket No. 91-ASW-2; Special Condition 29-ASW-2]

Special Conditions: McDonnell Douglas Model MD-900 Helicopter, Critical Functioning Electrical/ Electronic Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition.

SUMMARY: This special condition is issued for the McDonnell Douglas Model MD-900 helicopter. This helicopter will have a novel or unusual design feature associated with certain engine installations identified as utilizing a Full Authority Digital Engine Control (FADEC). This special condition contains additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATE: January 27, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Carroll Wright, FAA, Rotorcraft Standards Staff, Regulations Group, Fort Worth, Texas 76193-0111, telephone 817-624-5121.

SUPPLEMENTARY INFORMATION:

Background

On April 25, 1989, McDonnell Douglas Helicopter Company (MDHC), 5000 East McDowell Road, Mesa, Arizona, submitted an application for a new Type Certificate to include the Model MD-900 Helicopter. This aircraft is an eight-passenger, two-engine, 5,400-pound normal category helicopter. This helicopter will possess several advanced features including a hingeless, bearingless composite rotor system; a composite primary airframe structure; an integrated crew station; a centerline instrument display; the NOTAR antitorque system; and one or possibly more electrical/electronic systems performing functions critical to the continued safe flight and landing of the helicopter.

Type Certification Basis

The certification basis for the Model MD-900 includes: FAR part 27, through Amendment 27-23, effective September 2, 1988; Amendment 27-25, effective December 13, 1989; portions of Amendments 27-26, specifically 27.501; and FAR part 36, appendix H, effective on the date of certification.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of an aircraft or installation.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become a part of the type certification basis, as provided by § 21.101(b)(2).

Discussion

Notice of Proposed Special Condition No. SC-91-2-SW was published in the **Federal Register** on January 31, 1991 (56 FR 3804). No comments were received. Therefore, the special condition is adopted as proposed. The MDHC Model MD-900 helicopter will incorporate one and possibly more electrical/electronic systems and equipment that will be performing functions critical to the continued safe flight and landing of the helicopter. A FADEC is an electronic device which performs the critical function of engine control. The control of the engines is critical to the continued safe flight and landing of the helicopter during all operating flight regimes (both

Visual Flight rules (VFR) and Instrument Flight Rules (IFR)). When the design is finalized, MDHC will provide the FAA with a preliminary hazard analysis that will identify any other critical functions performed by electrical/electronic systems and equipment.

If it is determined that this helicopter incorporates other electrical/electronic systems performing critical functions, it will be necessary to show that those systems meet the requirements of this special condition.

Conclusion

This action would affect only certain unusual or novel design features on one series of rotorcraft. This rule is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the rotorcraft identified in this special condition.

List of Subjects in 14 CFR Parts 21 and 27

Aircraft, Air transportation, Aviation safety, Rotorcraft, Safety.

The Authority Citation for these special conditions is as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2); 42 U.S.C. 1857f–10, 4321 et seq.; E.O. 11541, 49 U.S.C. 106(g) (Rev. Pub. L. 97–449, January 12, 1983).

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator of the Federal Aviation Administration, the following special condition is issued as part of the type certification basis for the MDHC Model MD–900 helicopter.

Protection for Electrical/Electronic Systems From High Intensity Radiated Fields

Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the helicopter is exposed to high intensity radiated fields external to the helicopter.

Issued in Fort Worth, Texas, on December 13, 1991.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 91–30782 Filed 12–24–91, 8:45 am]

BILLING CODE 4901–13–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1213

Release of Information to News and Information Media

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 14 CFR part 1213, "Release of Information to News and Information Media," to update the officials authorized to release and approve release of information. This rule establishes NASA policy, responsibilities, and procedures for the release of information concerning NASA programs and activities to news and information media. The intended effect of this action is to respond to the mandate in NASA's authorizing legislation in which the Congress has instructed the Agency to provide for the widest practicable and appropriate dissemination of information concerning its activities and the results.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: James W. McCulla, (202) 453–8398.

SUPPLEMENTARY INFORMATION: This revision updates the officials authorized to release and approve release of information. Since this involves administrative and editorial management decisions and procedures, no public comment period is required.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1213

New media, Administration practice and procedure.

For reasons set out in the Preamble, 14 CFR part 1213 is amended as follows:

PART 1213—RELEASE OF INFORMATION TO NEWS AND INFORMATION MEDIA

1. The authority citation for 14 CFR part 1213 continues to read as follows:

Authority: 42 U.S.C. 2473(a)(3) and NSDD–84, "Safeguarding National Security Information."

2. Section 1213.102 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 1213.102 Responsibility.

(a) The Associate Administrator for Public Affairs is responsible for the development and overall administration of an integrated Agencywide communications program and determines whether the specific information is to be released. The Associate Administrator for Public Affairs will:

* * * * *

3. Section 1213.103 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1213.103 Procedures for issuance of news releases.

(a) All Headquarters news releases will be issued by the Office of Public Affairs, Media Services Division.

(b) Directors of Field Installations, through their Public Affairs Officer, may release information for which that Field Installation is the primary or sole source, i.e., launch, mission, and planetary encounter commentary; telephone recorded messages; status reports; and releases of local or regional interest. Release of information that has national significance will be coordinated with the Associate Administrator for Public Affairs. Material received from contractors prior to its public release may be reviewed for technical accuracy at the contracting Installation.

* * * * *

4. Section 1213.104 is amended by revising paragraphs (a), (b)(1), (2), and (3) to read as follows:

§ 1213.104 Procedures for news release coordination and concurrence.

(a) General. All organizational elements of NASA involved in preparing and issuing NASA news releases are responsible for proper coordination and obtaining concurrences and clearances prior to issuance of the news release. Such coordination will be accomplished through the Associate Administrator for Public Affairs, NASA Headquarters.

(b) * * * (1) The Headquarters Office of Public Affairs will release information after obtaining all necessary concurrences and clearances from the appropriate Program or other Headquarters Office. Field Installations will obtain clearances from the appropriate Institutional Program or other Headquarters Office.

(2) Headquarters issuance of a news release bearing on a Field Installation will be coordinated with the Installation through the appropriate Institutional Program Office/Public Affairs Office, Associate Administrator for Public Affairs, or Director, Media Services Division. If Headquarters is the issuing

Agency for a release for which the primary source is an Installation, the Office of Public Affairs will keep the Installation fully informed.

(3) If the Office of Public Affairs changes, delays, or cancels a release proposed for issuance by a Field Installation, the Installation and the appropriate Institutional Program Office affected will be notified of the reasons for the action.

* * * * *

5. Section 1213.105 is amended by revising paragraphs (d) to read as follows:

§ 1213.105 Interviews.

* * * * *

(d) Any attempt by news media representatives to obtain classified information will be reported through the Headquarters Office of Public Affairs or Installation Public Affairs Office to the Installation Security Office. The knowing disclosure of classified information to unauthorized individuals will be cause for disciplinary actions against the NASA employee involved.

* * * * *

Dated: December 12, 1991.

Richard H. Truly,

Administrator

[FR Doc. 91-30594 Filed 12-24-91, 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-91-51]

Special Local Regulations for Marine Events; New Year's Eve Celebration Fireworks; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of Implementation of 33 CFR 100.501.

SUMMARY: This notice implements 33 CFR 100.501 for the New Year's Eve Celebration Fireworks Display. The fireworks display will be launched from the Town Point Park Fireworks Mast Area, Town Point Park, Norfolk, Virginia, on the Elizabeth River, adjacent to "Waterside", between the Norfolk and Portsmouth downtown areas from 10 p.m., December 31, 1991 to 1 a.m., January 1, 1992. The regulations in 33 CFR 100.501 are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

EFFECTIVE DATE: The regulations in 33 CFR 100.501 are effective from 10 p.m., December 31, 1991 to 1 a.m., January 1, 1992. If inclement weather causes the postponement of the event, the regulations are effective from 6 p.m. to 8 p.m., January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (804) 483-8559.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Lieutenant Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation

Norfolk Festevents, Ltd. submitted an application to hold a fireworks display on December 31, 1991 from 10 p.m. to 1 a.m., on January 1, 1992. The fireworks display will be launched from the Town Point Park Fireworks-Mast Area, Town Point Park, Norfolk, Virginia, and will burst over the Elizabeth River. Since many spectator vessels are expected to be in the area to watch the fireworks display, the regulations in 33 CFR 100.501 are being implemented for these events. The fireworks will be launched from within the regulated area. The waterway will be closed during the fireworks display. Since the waterway will not be closed for an extended period, commercial traffic should not be severely disrupted. In addition to regulating the area for the safety of life and property, this notice of implementation also authorizes the Patrol Commander to regulate the operation of the Berkley drawbridge in accordance with 33 CFR 117.1007, and authorizes spectators to anchor in the special anchorage areas described in 33 CFR 110.72aa. The implementation of 33 CFR 100.501 also implements regulations in 33 CFR 110.72aa and 117.1007. 33 CFR 110.72aa establishes the spectator anchorages in 33 CFR 100.501 as special anchorage areas under Inland Navigation Rule 30, 33 U.S.C. 2030(g). 33 CFR 117.1007 closes the draw of the Berkley Bridge to vessels during and for one hour before and after the effective period under 33 CFR 100.501, except that the Coast Guard Patrol Commander may order that the draw be opened for commercial vessels.

Dated: December 16, 1991.

W.T. Leland,

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

[FR Doc. 91-30842 Filed 12-24-91; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-629; RM-7031]

Radio Broadcasting Services; LaFayette, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 298A to LaFayette, Georgia, as that community's first local FM service, at the request of Radix Broadcasting, Inc. See 55 FR 03752, February 5, 1990. Channel 298A can be allotted to LaFayette in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.3 kilometers (3.3 miles) east of the community, in order to avoid a short-spacing to Station WENN(FM), Channel 299C, Birmingham, Alabama, and to Station WJRX(FM), Channel 300A, East Ridge, Tennessee. The coordinates for this allotment are North Latitude 34-42-31 and West Longitude 85-13-33. With this section, this proceeding is terminated.

DATES: Effective February 3, 1992. The window period for filing applications will open on February 4, 1992, and close on March 5, 1992.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-629, adopted December 9, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete test of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Channel 298A, LaFayette.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30724 Filed 12-24-91, 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-284; RM-7224, RM-7301, RM-7487]

Radio Broadcasting Services; New Sharon and Albia, Iowa, and Memphis, Missouri

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of First Christian Reformed Church, allots Channel 260C3 at New Sharon, Iowa, as its first local FM transmission service (RM-7224). We also allot, as requested by H&H Broadcasting Corporation, Channel 244C3 at Albia, Iowa, as its first local FM transmission service. In order to allot Channel 144C3 at Albia, we will also change Station KMEM(FM), Memphis, Missouri, from Channel 244A to Channel 263A (RM-7487). *See* 55 FR 23953, June 13, 1990. *See* Supplementary Information, *infra*.

DATES: Effective February 3, 1992. The window period for filing applications for Channel 260C3 at New Sharon, Iowa, and Channel 244C3 at Albia, Iowa, will open on February 4, 1992, and close on March 5, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-284, adopted December 10, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Channel 260C3 can be allotted to New Sharon in compliance with the Commission's minimum distance separation requirements with a site restriction of 17.4 kilometers (10.8 miles) south to avoid short-spacings to the construction permit for Station KFMH, Channel 259C1, Muscatine, Iowa, and Station KLYF, Channel 262C, Des Moines, Iowa. The coordinates for Channel 260C3 at New Sharon are North Latitude 41-18-49 and West Longitude 92-40-20. Channel 244C3 can be allotted to Albia without the imposition of a site restriction. The coordinates for Channel 244C3 at Albia are North Latitude 41-01-42 and West Longitude 92-48-12. Channel 263A can be allotted to Memphis at Station KMEM(FM)'s licensed site. The coordinates for Channel 263A at Memphis are North Latitude 40-29-59 and West Longitude 92-09-58. With this action, this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by adding Channel 244C3, Albia and Channel 260C3, New Sharon.

3. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 244A and adding Channel 263A at Memphis.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30725-Filed 12-24-91, 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-279; RM-7808]

Radio Broadcasting Services; Belle Plaine, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 224C3 to Belle Plaine, Kansas, in response to a petition filed by Belle Plaine Broadcasters, Inc. See 56 FR 50547, October 7, 1991. The coordinates for Channel 224C3 are 37-20-15 and 97-27-56. There is a site restriction 17.5 kilometers (10.9 miles) southwest of the community. With this action, this proceeding is terminated.

DATES: Effective February 3, 1992. The window period for filing applications will open on February 4, 1992, and close on March 5, 1992.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91-279, adopted December 11, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting

PART 73—[Amended]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by adding Channel 224C3, Belle Plaine.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30726 Filed 12-24-91, 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-278; RM-7809]

Radio Broadcasting Services; Minneapolis, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 224C2 for Channel 224A at Minneapolis, Kansas, and modifies the construction permit for Station WILS to specify operation on the higher class channel, in response to a petition filed by Belinda S. Ohlemeier. See 56 FR

50548, October 7, 1991. The coordinates for Channel 224C2 at Minneapolis are 39–00–52 and 97–37–42. With this action, this proceeding is terminated.

EFFECTIVE DATE: February 3, 1992.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91–278, adopted December 11, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452–1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 224A and adding Channel 224C2 at Minneapolis.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91–30727 Filed 12–24–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–508; RM–6975; RM–7268]

Radio Broadcasting Services; Gilchrist and Crystal Beach, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document dismisses a petition for rule making (RM–6975) filed by James Owens, d/b/a Gilchrist Community Broadcasting ("GCB"), to allot Channel 268C3 to Gilchrist, Texas, because neither GCB nor any other party filed a continuing expression of interest as required by the Notice of Proposed Rule Making. See 46 FR 46852, November 24, 1989. This document also grants a counterproposal filed by Harbor Broadcasting to allot Channel 268C3 to Crystal Beach, Texas, as its first local service. The coordinates for the Crystal Beach allotment are 29–30–25 and 94–30–17. With this action, this proceeding is terminated.

EFFECTIVE DATE: February 3, 1992. The window period for filing applications for Channel 268C3 at Crystal Beach will open on February 4, 1992, and close on March 5, 1992.

FOR FURTHER INFORMATION, CONTACT: Belford V. Lawson, III, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–508, adopted December 11, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 268C3, Crystal Beach.

Federal Communications Commission.

Andrew J. Rhodes,

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

[FR Doc. 91–30728 Filed 12–24–91; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 209

[FRA Docket No. RSEP–6, Notice No. 3]

RIN 2130–AA49

Amendment to Railroad Safety Enforcement Procedures; Approval of Information Collection Requirements

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule.

SUMMARY: FRA is amending its railroad safety enforcement regulations (49 CFR part 209) to reflect the Office of Management and Budget's approval of information collection requirements.

EFFECTIVE DATE: This final rule will be effective December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Gloria Swanson, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–4345.

SUPPLEMENTARY INFORMATION: On October 18, 1989, FRA issued a final rule notice amending 49 CFR part 209, entitled "Railroad Safety Enforcement Procedures," by revising "Subpart A—General" and adding a new "Subpart D—Disqualification Procedures" prescribing procedures for disqualifying railroad employees, including managers, supervisors, and other agents from performing safety-sensitive functions in the rail industry (54 FR 42894, 1989). Since publication of the rule in the **Federal Register**, the Office of Management and Budget (OMB) has approved the information collection requirements of the rule (49 CFR 209.331) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This document provides notice of OMB approval of the information collection requirements and amends 49 CFR part 209 to reflect the approval of information gathering requirements contained in that part.

Regulatory Impact

E.O. 12291 and DOT Regulatory Policies and Procedures

This rule has been evaluated in accordance with existing policies and procedures, and is considered to be non-major under Executive Order 12291 and not significant under DOT policies and procedures (44 FR 11034, February 26, 1979).

Regulatory Flexibility Act

FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations.

Paperwork Reduction Act

The rule does not contain information collection requirements.

Environmental Impact

FRA has evaluated these regulations in accordance with its procedures for ensuring full consideration of the potential environmental impacts of FRA actions, as required by the National Environmental Policy Act and related

directives. This notice meets the criteria that establish this as a non-major action for environmental purposes.

Federalism Implications

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

List of Subjects in 49 CFR Part 209

Railroad safety, Railroad safety enforcement procedures.

The Final Rule

In consideration of the foregoing, part 209, title 49, Code of Federal Regulations is amended as follows:

PART 209—[AMENDED]

1. The authority citation for part 209 continues to read as follows:

Authority: 45 U.S.C. 6, 10 and 13, as amended; 45 U.S.C. 34, as amended; 45 U.S.C. 43, as amended; 45 U.S.C. 64a, as amended; 45 U.S.C. 431, 437, 438, and 439, as amended; 49 U.S.C. 103(c); 49 app. U.S.C. 26(h), as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49 (c), (d), (f), (g), and (m).

Subparts B and C also issued under 49 app. U.S.C. 1802, 1804, 1808, 1809, and 1810; and 49 CFR 1.49(s).

Subpart D—Disqualification Procedures

2. Subpart D is amended by adding a new § 209.337 to read as follows:

§ 209.337 Information collection.

The information collection requirements in § 209.331 of this part have been reviewed by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2130–0529.

Issued in Washington, DC on December 19, 1991.

Gilbert E. Carmichael,

Federal Railroad Administrator.

[FR Doc. 91–30750 Filed 12–24–91, 8:45 am]

BILLING CODE 4910–06–M

49 CFR Parts 229, 230, 231, and 232

[FRA Docket No. RSEP–6, Notice No. 4]

RIN 2130–AA67

Amendment to Railroad Safety Regulations

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule.

SUMMARY: FRA is amending its railroad safety regulations to ensure that the full range of its enforcement authority is available to address violations of all of the regulations it enforces under the Federal Railroad Safety Act of 1970 or the older safety statutes. This final rule clarifies FRA's authority to bring a non-emergency disqualification action under section 209(f) of the Safety Act for violations of the locomotive, safety appliance, and/or power brake regulations.

DATES: The final rule will become effective January 27, 1992.

FOR FURTHER INFORMATION CONTACT: Daniel C. Smith, Deputy Assistant Chief Counsel for Safety, FRA, Washington, DC 20590 (Telephone 202–366–0628).

SUPPLEMENTARY INFORMATION: Section 3 of the Rail Safety Improvement Act of 1988 ("RSIA") (Pub. L. No. 100–342) added a new section 209(f) to the Federal Railroad Safety Act of 1970 ("Safety Act") (45 U.S.C. 438(f)), which authorizes the Secretary of Transportation, after notice and an opportunity for a hearing, to disqualify an individual from safety-sensitive service in the railroad industry where that individual's violation of any rule or order prescribed "under this title" is shown to make that individual unfit for such service. When FRA issued its procedures for disqualification proceedings, it construed "this title" to mean title 45 of the United States Code. See 54 FR 42894–95 (October 18, 1989). However, it is also possible to read "this title" as referring only to the Safety Act, not all of title 45. Under that reading, the disqualification authority under section 209(f) of the Safety Act would be available only in connection with violations of a rule or order issued under the Safety Act.

Section 202(a) of the Safety Act, 45 U.S.C. 431(a), provides the Secretary with the authority to issue rules or orders covering all areas of railroad safety "supplementing provisions of law and regulations in effect on the date of enactment of this title." The laws in effect when the Safety Act was enacted in 1970, referred to here collectively as the "older safety laws," included the Safety Appliance Acts, 45 U.S.C. 1–14, 16; the Locomotive Inspection Act, 45 U.S.C. 22–34; the Accident Reports Act, 45 U.S.C. 38–43; the Hours of Service Act, 45 U.S.C. 61–64b; and the Signal Inspection Act, 49 app. U.S.C. 26.

FRA has issued the great majority of its safety regulations under the authority of the Safety Act (*e.g.*, the Track Safety Standards, 49 CFR part 213) or the joint authority of the Safety Act and one of the older laws (*e.g.*, the accident reporting regulations at 49 CFR part 225). However, there are four bodies of regulation that have thus far been issued only under the authority of one of the older safety laws: The Locomotive Safety Standards, 49 CFR part 229; the standards for inspection of steam locomotives, 49 CFR part 230; the Safety Appliance Standards, 49 CFR part 231; and the regulations on power brakes, 49 CFR part 232.

Therefore, in order to ensure that the disqualification authority under section 209(f) of the Safety Act is available for violations of those four regulatory parts, it is necessary to reissue them under the joint authority of the Safety Act and the older safety law under which they were previously issued. This is accomplished by a simple technical amendment to the authority sections of the four parts. In this way, FRA uses its Safety Act regulatory authority to supplement the older safety laws by making sure that the full range of Safety Act enforcement authority is available for violations of those older laws and regulations previously issued under them.

This final rule will eliminate the potential for the anomalous situation in which violations of the freight car safety standards (issued under the Safety Act) could provide the basis for disqualification, while violations of the locomotive, safety appliance, or power brake regulations—even if present on the same cars or trains as the freight car safety standards violations—would (assuming "this title" means the Safety Act) not provide the basis for disqualification under section 209(f) of the Safety Act. Of course, even if "this title" does limit section 209(f) disqualification actions to violations of regulations or orders issued under the Safety Act, section 209(f) specifically preserves FRA's authority to disqualify an individual on an emergency basis under section 203 of the Safety Act, which is in no way limited to violations of Safety Act regulations or orders. Therefore, this final rule merely clarifies FRA's authority to bring a non-

emergency disqualification action under section 209(f) of the Safety Act for violations of the locomotive, safety appliance, and/or power brake regulations. The rule makes one other minor change: It deletes from part 231 an appendix that was inadvertently not deleted when a substitute appendix was issued in 1988.

Congress envisioned in 1970 that such exercises of joint authority under the Safety Act and the older laws would be necessary. H.R. Rep. No. 91–1194, 91st Cong., 2d Sess. at 16 (1970). Moreover, it is clear that Congress, in providing FRA with disqualification authority under section 209(f) in 1988, intended that authority be available to address violations of all of the federal railroad safety regulations. See, *e.g.*, 134 Cong. Rec. H3468 (daily ed. May 23, 1988) (remarks of Cong. Luken).

Public Participation

In taking this action, FRA is not exercising its regulatory authority in a manner that could be informed by public comment. There are no substantive choices to be made. Instead, this is a technical amendment that is being accomplished merely by adding a citation to the Safety Act to the authority citations of four parts of the CFR. Accordingly, notice and comment procedures are "impracticable, unnecessary, or contrary to the public interest" within the meaning of section 4(a)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B).

Regulatory Impact

E.O. 12291 and DOT Regulatory Policies and Procedures

This final rule has been evaluated in accordance with existing policies and procedures. It is considered to be non-major under Executive Order 12291 and non-significant under the DOT policies and procedures. (44 FR 11034; February 26, 1979.)

This rule will not have any direct or indirect economic impact because it does not alter any existing substantive or procedural regulation in such a way as to impose additional burdens. The cost of complying with existing substantive regulations is not being increased. The rule merely clarifies the applicability of FRA's disqualification authority to certain types of regulatory violations. Accordingly, preparation of a regulatory evaluation is not warranted.

Regulatory Flexibility Act

FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations. State rail agencies remain free to participate in the enforcement of FRA's rules but are not required to do so.

Paperwork Reduction Act

There are no information collection requirements contained in this rule.

Environmental Impact

FRA has evaluated this rule in accordance with its procedures for ensuring full consideration of the potential environmental impacts of FRA actions, as required by the National Environmental Policy Act and related directives. This notice meets the criteria that establish this as a non-major action for environmental purposes.

Federalism Implications

This rule will not have a substantial effect 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. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

List of Subjects in 49 CFR Parts 229, 230, 231 and 232

Railroad safety.

Therefore, in consideration of the foregoing, parts 229, 231, and 232, title 49 Code of Federal Regulations are amended as follows:

PART 229—[AMENDED]

1. Part 229 is amended as follows:

A. The authority citation for part 229 is revised to read as follows:

Authority: 45 U.S.C. 22–34, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49(c), (g), and (m).

PART 230—[AMENDED]

2. Part 230 is amended as follows:

A. The authority citation for part 230 is revised to read as follows:

Authority: 45 U.S.C. 22–34, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49(c), (g), and (m).

PART 231—[AMENDED]

3. Part 231 is amended as follows:

A. The authority citation for part 231 is revised to read as follows:

Authority: 45 U.S.C. 2, 4, 6, 8, 10, and 11–14, 16, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49(c), (g), and (m).

B. The first appendix A, which is identified by the citation to its source (53 FR 28602, July 28, 1988) that appears just below it, is removed.

PART 232—[AMENDED]

4. Part 232 is amended as follows:

A. The authority citation for part 232 is revised to read as follows:

Authority: 45 U.S.C. 1, 3, 5, 6, 8–12, and 16, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49(c), (g), and (m).

Issued in Washington, DC, on December 19, 1991.

Gilbert E. Carmichael,

Federal Railroad Administrator.

[FR Doc. 91–30751 Filed 12–24–91; 8:45 am]

BILLING CODE 4910–06–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

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

Joint Petition for Rulemaking on Railroad Car Hire Compensation

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a final rule allowing railroads to enter into bilateral agreements concerning car hire terms. This will help to encourage efficient use of freight cars and alleviate problems with the existing car hire system. The text of the final rule is set forth below.

EFFECTIVE DATE: This rule is effective January 25, 1992.

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

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

List of Subjects in 49 CFR Part 1033

Railroads.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Our action will not have a significant impact on a substantial number of small

entities. The change will merely permit rail carriers and car leasing companies to reach car hire agreements among themselves.

Decided: December 18, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1033 of the Code of Federal Regulations is revised to read as follows:

PART 1033—CAR SERVICE

Sec.

1033.1 Car hire rates.

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

§ 1033.1 Car hire rates.

Car hire agreements. Rail carriers are authorized to negotiate and enter bilateral agreements concerning car hire. Cars subject to such agreements are relieved from adhering to the Commission's car hire prescription.

[FR Doc. 91-30802 Filed 12-24-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 25, 32 and 33

RIN 1018-AA71

Refuge-Specific Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) amends certain regulations in 50 CFR parts 32 and 33 that pertain to migratory game bird, upland game, and big game hunting on individual national wildlife refuges. In addition, the Service makes an administrative change only in moving all information collection references to part 25. Refuge hunting programs are reviewed annually to determine whether the regulations governing individual refuge hunts should be modified, deleted or added to. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitats may warrant modifications to ensure the continued compatibility of hunting with the purposes for which the individual refuges involved were established and, to the extent practical, make refuge hunting programs consistent with State regulations.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Duncan L. Brown, U.S. Fish and Wildlife Service, Division of Refuges, 1849 C Street, NW., MS 670–ARLSQ, Washington, DC 20240; Telephone (703) 358–2043.

SUPPLEMENTARY INFORMATION: 50 CFR parts 32 and 33 contain provisions governing hunting on national wildlife refuges. Hunting is regulated on refuges to (1) ensure compatibility with refuge purposes, (2) properly manage the wildlife resource, (3) protect other refuge values, and (4) ensure refuge user safety. On many refuges, it is necessary to supplement State regulations with more restrictive Federal regulations to ensure that the Service meets its management responsibilities, as outlined under the section entitled "Conformance with Statutory and Regulatory Authorities." Refuge-specific hunting regulations may be issued only after a wildlife refuge is opened to migratory game bird, upland game, or big game hunting through publication in the **Federal Register.** These regulations may list the wildlife species that may be hunted, seasons, bag limits, methods of hunting, descriptions of open areas, and other provisions. Previously issued refuge-specific regulations for migratory game bird, upland game, and big game hunting are contained in 50 CFR 32.12, 32.22, and 32.32 respectively. Many of the proposed amendments to these sections are being promulgated to standardize and clarify the existing language of these regulations.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process.

In the August 26, 1991, issue of the **Federal Register** 56 FR 42018 the Service published a proposed rulemaking to amend certain regulations in 50 CFR parts 32 and 33 and invited public comment. The Service's responses to those comments are contained in the following section.

Responses to Comments Received

Written comments on the proposed rule were received from one party, the Humane Society of the United States.

Issue 1: Hunting is a violation of refuge purposes.

Response: The Refuge Recreation Act of 1962, 16 U.S.C. 460K, as amended, allows for recreational uses (e.g., hunting) when such uses do not interfere with the areas' primary purposes. As regulated in 50 CFR parts 32 and 33, hunting does not interfere with the areas' primary purposes.

Issue 2: There is a lack of data supporting the propriety of changes in hunting programs from the standpoints of compatibility, environmental impact under the National Environmental Policy Act (NEPA), endangered species protection, and determinations of surplus wildlife populations.

Response: The specific refuges proposing any changes in their hunting programs are doing so pursuant to a change in their hunting management plans. Such plans must comply with NEPA protections, be compatible with the purposes for which the refuge was established, and allow for any impact on endangered species as mandated by the Endangered Species Act of 1963, 61 U.S.C. 1531–1543, as amended. Determinations of surplus wildlife populations are routinely done through the respective Regional offices and under the direction of the central office in Washington, DC. There have been no reports of a threatened or endangered species or otherwise compromised species being hunted in the refuges proposing changes in their hunting programs.

Issue 3: The proposed regulations illegally transfer administrative authority to the States.

Response: The proposed regulations govern, along with already promulgated hunting regulations (e.g., migratory bird hunting regulations), the administration of hunting programs on specific refuges. Any area not covered by such regulations will follow State hunting regulations which, by law, are not to circumvent or otherwise usurp Federal protections.

Issue 4: The comment period is inadequate to properly analyze changes in hunting programs.

Response: A thirty-day comment period is Departmental policy, although the Service does take comments at any time concerning its rulemakings. While these comments may not receive responses in the Final Rule, they are accepted and filed for further review when appropriate.

Conformance With Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act (NWRSAA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, section 49(d)(1)(A) of the NWRSAA authorizes the Secretary of the Interior to permit the use of any area within the Refuge System for any purposes, including but not limited to, hunting, fishing and public recreation,

accommodations, and access, when he determines that such uses are compatible with the major purpose(s) for which the area was established.

The Refuge Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purpose(s) for which the areas were established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act. Hunting plans are developed for each refuge prior to opening it to hunting. In many cases, refuge-specific hunting regulations are included in the hunting plan to ensure the compatibility of the hunting programs with the purposes for which the refuge was established. Initial compliance with the NWRSAA and the Refuge Recreation Act is ensured when hunting plans are developed, and the determinations required by these acts are made prior to the addition of refuges to the lists or areas open to hunting in 50 CFR. Continued compliance is ensured by annual review of hunting programs and regulations.

Economic Effect

Executive Order 12291 requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; or a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

These amendments to the codified refuge-specific hunting regulations make relatively minor adjustments to existing hunting programs. The regulations are not expected to have any gross economic effect and will not cause an increase in costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographic regions. The benefits accruing to the public are expected to exceed by a large margin the costs of administering this rule. Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of E.O. 12291 and would not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

The information collection requirements contained in parts 25, 32 and 33 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018–0014), Washington, DC 20503.

Environmental Considerations

Compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) is ensured when hunting plans are developed, and the determinations required by these acts are made prior to the addition of refuges to the lists of areas open to hunting in 50 CFR. Refuge-specific hunting regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of a particular national wildlife refuge. The changes proposed in this rulemaking would not substantially alter the existing uses of the refuges involved. Information regarding hunting permits and the conditions that apply to individual refuge hunts and maps of the hunt areas are available at refuge headquarters or can be obtained from the regional offices of the U.S. Fish and Wildlife Service at the addresses listed below:

Region 1—California, Hawaii, Idaho, Nevada, Oregon, and Washington. Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE 11th Avenue, Portland, Oregon 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas. Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; Telephone (505) 766–1829.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111; Telephone (612) 725–3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico and the Virgin Islands. Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303; Telephone (404) 331–0833.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia. Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, One Gateway Center, suite 700, Newton Corner, Massachusetts 02158; Telephone: (617) 965–9222.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming. Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225; Telephone: (303) 236–8145.

Region 7—Alaska (Hunting on Alaska refuges is in accordance with State regulations. There are no refuge-specific hunting regulations for these refuges). Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone: (907) 786–3538.

List of Subjects

50 CFR Part 25

Administrative practice and procedure, Concessions, Safety, Wildlife refuges.

50 CFR Part 32

Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

50 CFR Part 33

Fishing, Reporting and recordkeeping requirements, Wildlife refuges.

Accordingly, parts 25, 32, and 33 of chapter I of title 50 of the Code of Federal Regulations are amended as set forth below:

PARTS 25, 32 AND 33—[AMENDED]

1. The authority citation for parts 25, 32 and 33 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460K, 664, 668dd, and 715i.

PART 25—[AMENDED]

2. Part 25 is amended by adding § 25.23 to read as follows:

§ 25.23 General regulations and information collection requirements.

The information collection requirements contained in subchapter C, parts 25, 32 and 33 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit. The public reporting burden for the application form is estimated to average six minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018–0014), Washington, DC 20530.

PART 32—[AMENDED]

3. Section 32.2 is amended by adding paragraph (j) to read as follows:

§ 32.2 General provisions.

* * * * *

(j) The use or possession of alcoholic beverages while hunting is prohibited.

4. Section 32.12 is amended by revising paragraphs (f)(3), (i)(4), (p)(2), (p)(4)(iii), (p)(5), (s)(2), (u)(1), (y)(2) heading, (i) and (ii), (hh)(4)(i), (hh)(10)(ii), (hh)(11)(ii), (jj)(2), (qq)(4)(ii) and (v), and (qq)(7)(i) and (iii); and by adding paragraphs (hh)(10)(v), (hh)(11)(viii) and (qq)(4)(viii) to read as follows:

§ 32.12 Refuge-specific regulations; migratory game birds.

* * * * *

(f) *California*—* * *

* * * * *

(3) *Delevan National Wildlife Refuge.* Hunting of geese, ducks, coots, moorhens and snipe is permitted on designated areas of the refuge subject to the following conditions:

(i) Firearms must be unloaded while being transported between parking areas and blind sites.

(ii) Snipe hunting is only permitted in the free roam unit.

(iii) Hunters assigned to the spaced blind unit are restricted to their original blind except for retrieving downed birds, placing decoys, or traveling to and from the parking area.

(iv) Hunters must hunt from assigned blinds except when shooting to retrieve crippled birds.

* * * * *

(i) *Florida*—* * *

* * * * *

(4) *Merritt Island National Wildlife Refuge.* Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(p) *Louisiana*—* * *

* * * * *

(2) *Boque Chitto National Wildlife Refuge.* Hunting of ducks, geese, coots, and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(4) *Delta National Wildlife Refuge.*

* * *

* * * * *

(iii) Camping is permitted in designated areas only.

* * * * *

(5) *Lacassine National Wildlife Refuge.* Hunting of geese, ducks, and coots is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(s) *Michigan*—* * *

(2) *Shiawassee National Wildlife Refuge.* Hunting of geese, ducks, and coots is permitted on designated areas of the refuge subject to the following conditions:

(i) Permits are required.

(ii) Duck and coot hunting is permitted only in Pool 4 and associated marshes.

(iii) Goose hunting in designated cropland fields and areas of the Shiawassee River is permitted until 12 noon with a required check out time of 1 p.m.

* * * * *

(u) *Mississippi*—(1) *Boque Chitto National Wildlife Refuge.* Hunting of ducks, geese, coots, and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(y) *Nevada*—* * *

(2) *Pahranagat National Wildlife Refuge.* * * *

(i) Only nonmotorized boats or other motorless flotation devices are permitted on the refuge hunting area during the migratory waterfowl hunting season.

(ii) Hunting of waterfowl, coots, moorhens, and snipe is permitted only on the opening day of the season and alternate days throughout the remainder of the season.

* * * * *

(hh) *Oregon*— * * *

* * * * *

(4) *Cold Springs National Wildlife Refuge.* * * *

(i) Hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(10) *Mckay Creek National Wildlife Refuge.* * * *

* * * * *

(ii) Hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(v) The refuge may not be entered before 5 a.m.

(11) *Umatilla National Wildlife Refuge.* * * *

* * * * *

(ii) In the McCormack Unit, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Years Day.

* * * * *

(viii) Decoys, boats, and other personal property may not be left on the refuge overnight.

* * * * *

(jj) *South Carolina*— * * *

(2) *Carolina Sandhills National Wildlife Refuge.* Hunting of mourning doves and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(qq) *Washington*— * * *

* * * * *

(4) *McNary National Wildlife Refuge.* * * *

* * * * *

(ii) In the McNary Division, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(v) Hunters may not enter or be on the refuge between one hour after sunset and 5 a.m. or leave decoys, boats, and other personal property on the refuge overnight.

* * * * *

(viii) On Youth Hunt Day only youth aged 10 through 17 accompanied by an adult 18 or older may hunt.

* * * * *

(7) *Umatilla National Wildlife Refuge.* * * *

(i) In the Paterson Slough Unit, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(iii) The refuge, including parking sites, is closed from 10 p.m. to 5 a.m. Decoys, boats, and other personal property may not be left on the refuge overnight.

* * * * *

5. Section 32.22 is amended by revising paragraphs (e)(2), (e)(4)(i), (e)(10)(i), (p), (q)(2), (v)(1), (dd)(1), (ff)(1)(i) and (iii); (ff)(6) (ii) and (iv), (ff)(8)(ii), (hh)(2), (jj)(4), (nn)(3) and (nn)(5)(ii); and adding paragraph (q)(5)(iv) to read as follows:

§ 32.22 Refuge-specific regulations; upland game.

* * * * *

(e) *California*— * * *

(2) *Develan National Wildlife Refuge.* Hunting of pheasant is permitted only in the free room areas of the refuge subject to the following condition: A special one-day pheasant hunt is permitted in the spaced blind unit on the first Monday after the opening of the State pheasant hunting season.

* * * * *

(4) *Lower Klamath National Wildlife Refuge.* * * *

(i) In the controlled pheasant hunting area, entry permits are required for all hunters 16 years of age or older for the first 3 days of hunting. Hunters under the age of 16 hunting the controlled area must be accompanied by an adult with a permit.

* * * * *

(10) *Tule Lake National Wildlife Refuge.* * * *

(i) In the controlled pheasant hunting area, entry permits are required for all hunters 16 years of age or older for the first 3 days of hunting. Hunters under the age of 16 hunting the controlled area must be accompanied by an adult with a permit.

* * * * *

(p) *Kentucky and Tennessee—Reelfoot National Wildlife Refuge.* Hunting of squirrels and raccoons is permitted on designated areas of the refuge subject to the following condition: Permits are required.

(q) *Louisiana*—* * *

* * * * *

(2) *Bogue Chitto National Wildlife Refuge.* Hunting of squirrel, rabbit, raccoon, and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(5) *Delta National Wildlife Refuge.* * * *

* * * * *

(iv) Camping is permitted in designated area only.

* * * * *

(v) *Mississippi*—(1) *Bogue Chitto National Wildlife Refuge.* Hunting of squirrel, rabbit, and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(dd) *North Dakota*—(1) *Arrowwood National Wildlife Refuge.* Hunting of pheasant, sharp-tailed grouse, partridge, rabbit, and fox is permitted on designated areas of the refuge subject to the following condition: Hunting is permitted from December first through the end of the regular seasons.

* * * * *

(ff) *Oregon*—(1) *Cold Springs National Wildlife Refuge.* * * *

(i) Hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(iii) Hunting is permitted only by shotgun and bow and flu flu arrow beginning at noon each day.

* * * * *

(6) *McKay Creek National Wildlife Refuge.* * * *

* * * * *

(ii) Hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(iv) Hunting is permitted by shotgun and bow and flu-flu arrow beginning at noon each day.

* * * * *

(8) *Umatilla National Wildlife Refuge.* * * *

* * * * *

(ii) In the McCormack Unit, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(hh) *South Carolina*—* * *

* * * * *

(2) *Carolina Sandhills National Wildlife Refuge.* Hunting of quail, rabbit, raccoon, and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(jj) *Tennessee*—* * *

* * * * *

(4) *Lake Isom National Wildlife Refuge.* Hunting of squirrels and raccoons is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(nn) *Washington*—* * *

* * * * *

(3) *McNary National Wildlife Refuge.* Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:

(i) Hunting is permitted by shotgun and bow and flu-flu arrow beginning at noon each day.

(ii) In the McNary Division, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

(5) *Umatilla National Wildlife Refuge.* * * *

* * * * *

(ii) In the Paterson Slough Unit, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

6. Section 32.32 is amended by revising paragraphs (s)(2), (s)(6), (t), (z)(1), (ii)(1), (mm)(2), (pp)(1)(iii) through (ix), (ss)(4)(iv) and (tt)(3)(ii); and by adding paragraphs (sj(5)(iii) and (iv) to read as follows:

§ 32.32 Refuge-specific regulations; big game.

* * * * *

(s) *Louisiana*—* * *

(2) *Bogue Chitto National Wildlife Refuge.* Hunting of white-tailed deer, turkey, and feral hogs is permitted on designated areas of the refuge subject to

the following condition: Permits are required.

* * * * *

(5) *Delta National Wildlife Refuge.* * * *

* * * * *

(iii) Archery hunting is permitted beginning October 1 through October 31.

(iv) Camping is permitted in designated area only.

(6) *Lacassine National Wildlife Refuge.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(t) *Kentucky and Tennessee—Reelfoot National Wildlife Refuge.* Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(z) *Mississippi*—(1) *Bogue Chitto National Wildlife Refuge.* Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(ii) *North Dakota*—(1) *Arrowwood National Wildlife Refuge.* Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(mm) *South Carolina*— * * *

* * * * *

(2) *Carolina Sandhills National Wildlife Refuge.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(pp) *Texas*—(1) *Arkansas National Wildlife Refuge.* * * *

* * * * *

(iii) Hunters shall be at least 12 years of age. Hunters between the ages of 12 and 17 (inclusive) must hunt under the supervision of an adult 18 years of age or older.

(iv) Archery hunting is permitted for nine consecutive days beginning the first Saturday after the Monday holiday for Columbus Day in October.

(v) Archery hunt bag limits are three deer, no more than two bucks per hunter. There is no limit on feral hogs.

(vi) Permits are required for the firearms hunt.

(vii) Firearms hunting is permitted for five consecutive one day hunts beginning the first Wednesday after the Veterans Day holiday in November.

(viii) Firearms hunters must wear safety orange cap and vest while in hunt units.

(ix) Firearms hunt bag limit is two deer of either sex per hunter. There is no limit on feral hogs.

* * * * *

(ss) *Virginia*— * * *

* * * * *

(4) *Mason Neck National Wildlife Refuge.* * * *

* * * * *

(iv) Only shotguns 20 guage or larger loaded with buckshot are permitted.

* * * * *

(tt) *Washington*— * * *

* * * * *

(3) *Umatilla National Wildlife Refuge.* * * *

* * * * *

(ii) In the Paterson Slough Unit, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Years Day.

* * * * *

§ 32.41 [Removed]

7. Part 32 is amended by removing subpart D consisting of § 32.41.

§ 33.2 [Amended]

8. Section 33.2 is amended by removing paragraph (f).

Dated: November 7, 1991.

Bruce Blanchard,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 91-30737 Filed 12-24-91; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 56, No. 248
Thursday, December 26, 1991

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1032

[DA-91-022]

Milk in the Southern Illinois—Eastern Missouri Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This action invites written comments on a proposal to suspend certain provisions of the Southern Illinois—Eastern Missouri Federal milk marketing order for the months of December 1991 and January 1992. The proposed suspension would reduce the shipping standard for pool supply plants operated by cooperative associations. The action was requested by Prairie Farms Dairy, Inc. (Prairie Farms), a cooperative association that operates supply plants and represents producers who supply the market. Prairie Farms contends that the action is necessary to reflect a reduced need for shipments of milk from supply plants to distributing plants.

DATES: Comments are due no later than January 2, 1992.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 6456, Washington, DC 20090–6456.

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

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

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provisions of the order regulating the handling of milk in the Southern Illinois—Eastern Missouri marketing area is being considered for the months of December 1991 and January 1992:

In § 1032.7(b), the words "and at least 75 percent of the total producer milk marketed in that 12-month period by such cooperative association was delivered", and the words "and physically received at".

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

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

Statement of Consideration

The proposed suspension would suspend certain provisions of the order for the months of December 1991 and January 1992. The action would reduce the shipping standard for pool supply plants operated by cooperative associations.

Currently the order provides that a supply plant must ship at least 40 percent of its receipts of milk to distributing plants during December, and 50 percent in other months, to be a pool plant under the order. A supply plant that meets the pooling standard during each of the months of September through January is a pool plant during each of the months of February through August. Also, the order provides a monthly shipping standard of 25 percent for a supply plant operated by a cooperative association if at least 75 percent of the cooperatives total milk supply during the preceding months of September through August is received at distributing plants. The proposed suspension would result in reducing the shipping standard for a cooperative association supply plant to 25 percent of receipts during December 1991 and January 1992.

This action was requested by Prairie Farms Dairy, Inc. (Prairie Farms), a cooperative association that operates supply plants under the order and represents producers who supply the market. Prairie Farms contends that the action is necessary because of a reduced need for shipments of milk from supply plants to furnish the fluid milk requirements of distributing plants.

Prairie Farms indicates that the reduction of the fluid milk requirements for the market is a result of the recent loss of two customers to competitors regulated under other Federal orders and the sluggish sales in the area due to layoffs in major defense, tire, and heavy equipment manufacturing firms. Consequently, Prairie Farms contends that the suspension is necessary to reduce the shipping standard to 25 percent of receipts for cooperative associations during December 1991 and January 1992. Absent a suspension, Prairie Farms contends that costly and inefficient movements of milk would have to be made to pool its supply plants and the milk of its producers who have historically supplied the market.

List of Subjects in 7 CFR Part 1032

Milk marketing orders.

PART 1032—[AMENDED]

The authority citation for 7 CFR part 1032 continues to read as follows:

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

Signed at Washington, DC, on December 19, 1991.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 91–30735 Filed 12–24–91; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1211

[FV–91–277]

RIN 0581–AA50

Pecan Promotion and Research Plan

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department proposes to issue a plan establishing a national industry-funded pecan promotion, research, and industry and consumer information program. A national pecan industry organization requested the issuance of such a plan and submitted a proposed plan in response to an invitation to submit proposals. The proposed plan would require pecan growers and importers to pay an assessment which would be used in a national program of pecan promotion, research, and industry and consumer information. No interest was expressed in holding a public meeting to discuss the proposal, so none will be held.

DATES: Comments must be received by January 27, 1992.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal to: Docket Clerk, Research and Promotion Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, P.O. Box 96456, room 2533–S, Washington, DC 20090–6456. Three copies of all written material should be submitted, and they will be made available for public inspection at the Office of the Docket Clerk during regular business hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Comments concerning the information collection requirements contained in this action should also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for the Agricultural Marketing Service, USDA .

FOR FURTHER INFORMATION CONTACT: Jim Wendland, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2533–S, Washington, DC 20090–6456, telephone (202) 720–9916.

SUPPLEMENTARY INFORMATION: This proposed plan is authorized under the Pecan Promotion and Research Act of 1990 (Subtitle A of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990; Pub. L. 101–624) approved November 28, 1990, hereinafter referred to as the Act.

This proposal 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.

Regulatory Flexibility Act

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 proposed action on small entities.

The most recent available census of agricultural producers indicates that over 21,000 farms in the United States reported having pecan trees. The majority of these producers would be subject to the proposed plan and be classified as small businesses. Producers or growers engaged in the production and sale of pecans would be subject to being assessed under this proposal. 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, which include pecan handlers and importers, have been defined as those having annual receipts of less than $3,500,000. Also, there are approximately 2,000 pecan handlers, 115 shellers and 10 importers of pecans who would be subject to the provisions of this proposed plan, the majority of whom would also be classified as small entities.

The proposed plan would require each pecan grower and importer to pay an assessment not to exceed $0.02 per pound of inshell pecans. First handlers of pecans, virtually all of whom would be classified as small firms, would be required to collect and remit the assessments. Although the maximum assessment collection is expected to total about $6 million annually, the economic impact of a two cent or less assessment per pound on each grower or importer would not be significant

While the proposed plan imposes certain recordkeeping requirements on first handlers, importers, grower-shellers, and growers, information required under the proposed plan could be compiled from records currently maintained. Thus, any added burden resulting from increased recordkeeping would not be significant when compared to the benefits that should accrue to such businesses. The plan's provisions were carefully reviewed and effort was made to minimize any unnecessary costs or requirements.

Although the plan could impose some additional costs and requirements on first handlers, importers, and some growers who are their own first handlers, it is anticipated that the program under the proposed plan would help to increase the demand for pecans. Therefore, any additional costs should be offset by the benefits derived from expanded markets and sales benefiting growers, importers, and first handlers alike. Accordingly, the Administrator of the AMS has determined that the proposed provisions of the plan would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) the forms, reporting, and recordkeeping requirements included in this action have been approved by the Office of Management and Budget (OMB) and were assigned OMB No. 0581–0093, except for Board member nominee information sheets that were previously assigned OMB No. 0505–0001. This action sets forth the provisions of a proposed plan to establish a nation-wide program for pecan promotion, research, and information to be funded by pecan growers and importers. Information collection requirements that are included in this proposal include:

(1) A periodic report by each first handler and importer who handles or imports pecans. The estimated maximum number of respondents is 2,010, each submitting an average of 5 responses per year, with an estimated average reporting burden of one-half hour per response. However, these persons may alternatively prepay assessments annually, requiring only an initial report of anticipated assessments and a final annual report of actual handling;

(2) A refund application form for persons who desire a refund of their assessments. The estimated maximum number of respondents is 1,000 each submitting 2 responses per year, with an estimated average reporting burden of .10 an hour per response;

(3) An exemption application for growers, handlers and importers of pecans for non-food uses to be exempt from assessments and recordkeeping requirements. The estimated number of respondents for this form is 5, each

submitting one response per year, with an estimated average burden of .083 hour per response;

(4) A referendum ballot to be used in 1994 and periodically thereafter to indicate whether growers and importers favor continuance of the plan. The estimated maximum number of respondents for this form is an annual average of 4,400, with an estimated average reporting burden of .10 an hour per response;

(5) A nominee background statement form for Board member and alternate member nominees. The estimated number of respondents for this form is 60 during the first year of plan operations and approximately 20 annually thereafter. Each respondent would submit one response per year, with an estimated average reporting burden of .10 an hour per response; and

(6) A requirement to maintain records sufficient to verify reports submitted under the plan. The estimated maximum number of recordkeepers necessary to comply with the requirement is 2,010, each of whom would have an estimated annual burden of .12 hour.

Comments concerning the information collection requirements contained in this action should also be sent to the Office of Information and Regulatory Affairs; Office of Management and Budget; Washington, DC 20503. Attention: Desk Officer for Agricultural Marketing Service, USDA.

Background

The Act authorizes the Secretary of Agriculture (Secretary) to establish a national pecan promotion, research, and information program. The program would be funded by an assessment on growers and importers not to exceed two cents per pound of inshell pecans.

The Act provides for the submission of proposals for a pecan promotion, research, and information plan by industry organizations or any other interested person. The Act requires that such plan provide for the establishment of a Pecan Marketing Board. The Board would be composed of 15 voting members, including 8 growers, 4 shellers, 1 first handler, 1 importer and 1 public member, with an alternate for each member.

The Department published an invitation in the January 30, 1991, issue of the Federal Register (56 FR 3425) to submit proposals for an initial plan and in the July 3, 1991, issue (56 FR 30517) extended the submission period for proposals to July 10, 1991.

In response to the invitation to submit proposed plans, one letter supporting such a program was received from Oakhurst Ranch, Lindale, Texas; a proposal requesting $600,000 to establish a Pecan Center was received from Mr. James Crump with the Seguin, Texas, Chamber of Commerce; and one proposed plan was received from the Federated Pecan Growers' Associations of the United States (Federated), with unanimous support by all of its State and regional pecan grower associations and the National Pecan Shellers and Processors Association for the proposed plan.

The Department is publishing Federated's proposed plan, with some modification of proposed provisions, including changes to make it consistent with the Act and other similar national research and promotion programs administered by the Department. These modifications include a revision of Federated's proposal that § 1211.30 specify that grower and sheller Board members nominate the first handler member and alternate. This is contrary to section 1910(b)(8)(B) of the Act which requires the "Growers shall be eligible to vote for the nomination of the first handler members of the Board." Also, Federated's proposal specifies that half or less of the total amount of domestic assessments could be spent on the development and expansion of pecan sales in foreign markets. However, section 1911(g) of the Act does not specify any limit. Therefore, the amount of money expended for the development of foreign markets would be determined through the budget process in the same manner as other expenditures. Further, Federated's proposal sets the initial assessment rate as one-half cent per pound for in-shell pecans. However, section 1912(d) of the Act specifies that the assessment rate shall be recommended by the Board and approved by the Secretary, except that the maximum rate shall not exceed one-half cent per pound for in-shell pecans until the date the initial referendum is conducted under section 1916(a).

The Department will consider all written comments received by the deadline, before issuing a final plan.

The proposed plan is summarized as follows:

Sections 1211.1–1211.29 of the proposed plan define certain terms which are used in the plan. Sections 1211.30–1211.39 include provisions relating to the establishment, membership, nomination, appointment, term of office, procedure, reimbursement, powers and duties of the Pecan Marketing Board, which would be the body organized to administer the plan subject to the oversight of the Secretary of Agriculture. Sections 1211.40–1211.42 concern promotion, research and contracts. Section 1211.50 would authorize the Board to incur expenses necessary for the performance of its duties and to recommend an annual budget. Sections 1211.51–1211.56 would authorize the collection of assessments, specify who pays them and how, set forth procedures for the handling of a one-time refund, and for establishing an operating monetary reserve. The initial maximum assessment rate would be one-half cent per pound of in-shell pecans produced domestically or imported into the United States. After the initial continuance referendum, the rate would be a maximum of two cents per pound for in-shell pecans. The assessment sections also outline the procedures to be followed by first handlers and importers for remitting assessments; establish a 10 percent late payment charge and also a one and one-half percent per month interest change for unpaid or late assessments; and provide for refunds of assessments paid if the initial continuance referendum fails.

Sections 1211.60–1211.62 concern reporting and recordkeeping requirements for persons subject to the plan.

Sections 1211.70–1211.78 are miscellaneous provisions including the right of the Secretary; personal liability of Board members and employees; influencing governmental actions; termination of the plan; separability of plan provisions; handling of intellectual property, such as patents, arising from funds collected by the Board; amendments to the plan; and OMB control numbers.

List of Subjects in 7 CFR Part 1211

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreements, Pecans, Promotion, Reporting and recordkeeping requirements.

The proposal, set forth below, has not received the approval of the Secretary of Agriculture.

It is hereby proposed that title 7 of the Code of Federal Regulations be amended by adding part 1211 to read as follows:

PART 1211–PECAN PROMOTION AND RESEARCH

Subpart A—Pecan Promotion and Research Plan

Definitions

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1211.2 Act.
1211.3 Board.
1211.4 Pecan.

Sec.

1211.5 Shell.
1211.6 Shelled pecan.
1211.7 In-shell pecan.
1211.8 Person.
1211.9 Grower.
1211.10 Importer.
1211.11 First handler.
1211.12 Grower-sheller.
1211.13 Sheller.
1211.14 Handle.
1211.15 Commerce.
1211.16 Conflict of interest.
1211.17 Consumer and industry information.
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1211.21 Marketing year or fiscal period.
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1211.23 Promotion.
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1211.26 State and United States.
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1211.29 District.

Pecan Marketing Board

1211.30 Establishment and membership.
1211.31 Districts.
1211.32 Nominations and selection.
1211.33 Term of office.
1211.34 Acceptance.
1211.35 Vacancies.
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1211.37 Compensation and reimbursement.
1211.38 Powers.
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Research and Promotion

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1211.41 Programs and projects.
1211.42 Contracts.

Expense and Assessments

1211.50 Budget and expenses.
1211.51 Assessments.
1211.52 Failure to remit and report.
1211.53 Determination of first handler.
1211.54 Authority to borrow.
1211.55 Refunds.
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Reports, Books, and Records

1211.60 Reports.
1211.61 Books and records.
1211.62 Confidential treatment of books, records, and reports.

Miscellaneous

1211.70 Right of the Secretary.
1211.71 Personal liability.
1211.72 Influencing government action.
1211.73 Suspension or termination.
1211.74 Proceedings after termination.
1211.75 Effect of termination or amendment.
1211.76 Separability.
1211.77 Patents, copyrights, inventions, product formulations and publications.
1211.78 OMB control numbers.

Authority: The Pecan Promotion and Research Act of 1990; 7 U.S.C. 6001 *et seq.*

PART 1211—PECAN PROMOTION AND RESEARCH PLAN

Definitions

§ 1211.1. Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1211.2. Act.

Act means the Pecan Promotion and Research Act of 1990. (title XIX, subtitle A of Public Law 101–624, 7 U.S.C. 6001, *et seq.*, 104 Stat. 3838–3854), and any amendments thereto.

§ 1211.3 Board.

Board means the administrative body referred to as the Pecan Marketing Board, established pursuant to § 1211.30.

§ 1211.4 Pecan.

Pecan means the nut of the pecan tree *Carya illinoensis*.

§ 1211.5 Shell.

Shell means to remove the shell from an in-shell pecan.

§ 1211.6 Shelled pecan.

Shelled pecan means a pecan kernel, or portion of a kernel, after the pecan shall has been removed.

§ 1211.7 In-shell pecan.

In-shell pecan means a pecan that has a shell that has not been removed.

§ 1211.8 Person.

Person means any individual, group of individuals, partnership, association, corporation, cooperative, or any other entity.

§ 1211.9 Grower.

Grower means any person engaged in the production and sale of pecans in the United States who owns, or who shares in the ownership and risk of loss of, such pecans.

§ 1211.10 Importer.

Importer means any person who imports pecans from outside of the United States for sale in the United States.

§ 1211.11 First handler.

First handler means the first person who buys or takes possession of pecans from a grower for marketing. If a grower markets pecans directly to consumers, such grower shall be considered the first handler with respect to such pecans.

§ 1211.12 Grower-sheller.

Grower-sheller means a person who:

(a) Shells pecans, or has pecans shelled for such person, in the United States; and

(b) During the immediately preceding year, grew 50 percent or more of the pecans such person shelled or had shelled for such person.

§ 1211.13 Sheller.

Sheller means any person who:

(a) Shells pecans or has pecans shelled for the account of such person; and

(b) During the immediately preceding year, purchased more than 50 percent of the pecans such person shelled or had shelled for such account.

§ 1211.14 Handle.

Handle means receipt of in-shell pecans by a sheller or first handler, including pecans produced by such sheller or first handler.

§ 1211.15 Commerce.

Commerce means interstate, foreign, or intrastate commerce.

§ 1211.16 Conflict of interest.

Conflict of interest means a situation in which a Board member has direct or indirect financial interest in a corporation, partnership, sole proprietorship, joint venture or other business entity dealing directly or indirectly with the Board.

§ 1211.17 Consumer and industry information.

(A) *Consumer information* means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of pecans.

(b) *Industry information* means information and programs that will lead to the development of new markets and marketing strategies, increased efficiency, and activities to enhance the image of the pecan industry.

§ 1211.18 Customs Service.

Customs Service means the U.S. Customs Service of the United States Department of Treasury.

§ 1211.19. Department.

Department means the United States Department of Agriculture.

§ 1211.20 To market.

To market means to sell or offer to dispose of pecans in any channel of commerce.

§ 1211.21 Marketing year or fiscal period.

Marketing year or *fiscal period* mean the twelve-month period from October 1 through September 30 each year, or such

other period as recommended by the Board and approved by the Secretary.

§ 1211.22 Programs and projects.

Programs and *projects* mean those research, development, advertising, or promotion projects developed by the Board pursuant to § 1211.41 of this part.

§ 1211.23 Promotion.

Promotion means any action taken by the Board, pursuant to this part, to present a favorable image of pecans to the public with the express intent of improving the competitive position of pecans in the marketplace and stimulating sales of pecans, including paid advertising.

§ 1211.24 Referendum.

Referendum means the referendum to be conducted by the Secretary pursuant to § 1916 of the Act whereby growers, grower-shellers, and importers shall be given the opportunity to vote to determine whether a majority of the growers, grower-shellers, and importers voting in the referendum, favor continuation, termination, or suspension of this plan.

§ 1211.25 Research.

Research means any type of test, study, or analysis designed to advance the image, desirability, usage, marketability, production, product development, or quality of pecans.

§ 1211.26 State and United States.

(a) *State* means any of the several States, the District of Columbia and the Commonwealth of Puerto Rico.

(b) *United States* means collectively the several States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 1211.27 District.

District means a geographical area of the United States, as recommended by the Board and approved by the Secretary, in which there is produced approximately one-fourth of the volume of pecans produced in the United States.

§ 1211.28 Plan.

Plan means this Pecan Promotion and Research Plan issued by the Secretary pursuant to section 1908 of the Act.

§ 1211.29 Processor.

Processor means an individual, corporation or entity which starts a series of progressive and independent steps using pecans by which an end product is obtained for final consumer consumption or sale, such as a bakery, ice cream manufacturer or cookie maker.

Pecan Marketing Board

§ 1211.30 Establishment and membership.

(a) There is hereby established a Pecan Marketing Board, hereinafter called the Board. The Board shall consist of fifteen (15) members to administer the terms and provisions of this part. Eight members shall be pecan growers, not exempt from paying assessments under the Act; four members shall be pecan shellers; one member shall be a first handler; one member shall be a pecan importer, not exempt from paying assessments under the Act; and one member shall be a public member. Each member shall have an alternate who shall have the same qualifications as the member for whom such person is an alternate. At the option of the Board, one consultant or advisor representing the views of pecan growers in a country other than the United States may be chosen to attend Board functions as a nonvoting member.

(b) Membership on the Board shall be determined as follows: Two grower members shall represent each of the four districts; two sheller members shall represent shellers whose place of residence is east of the Mississippi River and two sheller members shall represent shellers whose place of residence is west of the Mississippi River; the first handler member shall be selected from among eligible first handlers whose place of residence is in any one of the four districts and derives over 50 percent of such handlers' gross pecan income from buying and selling pecans; one importer member shall be an individual who import pecans into the United States; and the public member shall have no direct financial interest in the commercial production or marketing of pecans except as a consumer and shall not be a director, stockholder, officer or employee of any firm so engaged.

§ 1211.31 Districts.

(a) Districts shall have approximately equal production volume according to the most recent three years' U.S. Department of Agriculture production reports. For the purpose of facilitating initial nominations to the Board, the following districts shall be the initial districts:

District 1—The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, West Texas (West of Highway 277 from Del Rio to Stamford and Highway 6 from Stamford to Quanah and the Oklahoma line), Utah, Washington, and Wyoming.

District 2—The States of Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, East Texas (East of Highway 277 from Del Rio to Stamford and Highway 6 from Stamford to Quanah and the Oklahoma line) and Wisconsin.

District 3—The States of Alabama, Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachuesetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and West Virginia.

District 4—The States of Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) At least once every three years and not more than once each two years, the Board shall review the geographic distribution of pecan production throughout the United States to determine whether realignment of the districts is necessary. In making such review, it shall give consideration to:

(1) The most recent four years of U.S. Department of Agriculture production reports or Board assessment reports if USDA production reports are unavailable, and such other acceptable sources as determined by the Board;

(2) Shifts and trends in quantities of pecans produced; and

(3) Other relevant factors.

As a result of this review, the Board may recommend realigning the districts subject to the approval of the Secretary. Any such realignment shall be recommended by the Board to the Secretary at least six months prior to the date of the call for nominations and shall become effective at least 30 days prior to such date.

§ 1211.32 Nominations and selection.

The Secretary shall appoint the grower and sheller members and their alternates from nominations to be made in the following manner:

(a) Except for initial Board members whose nomination process shall be conducted by the Secretary, the Board shall issue a call for nominations by January 10th of each year in which an election is to be held, or such other date as approved by the Secretary. The call shall include at a minimum the following information:

(1) A list of the vacancies for which nominations may be submitted and the qualifications for each position:

(2) The date by which the nominees shall be submitted to the Secretary for consideration to be in compliance with paragraph (f) of this section;

(3) A list of those States, by district, or organizations entitled to participate in the nomination process; and,

(4) The date, time, and location of any next scheduled meeting of the Board, national and State grower or sheller associations, and district conventions if any.

(b) Nominations for grower and alternate grower member positions that will become vacant shall be made by district convention in the district entitled to nominate. The following requirements shall apply:

(1) Notice of such convention shall be publicized by the Board to all growers within such district, and to the Secretary, at least ten days prior to said event. The notice shall have attached to it the call for nominations from the Board. Current Board grower members, supported by the Board and its staff, shall be responsible for convening and publicizing district conventions in their respective districts, except for the initial convention, which shall be called and conducted by a representative of the Secretary.

(2) All growers within the district may participate in the convention: *Provided*, That if a grower is engaged in the production of pecans in more than one State or district, the grower shall participate within the State or district in which the grower so elects in writing to the Board and such election shall remain controlling until revoked in writing to the Board.

(3) The district convention shall conduct the nomination process for the nominees in accordance with procedures prescribed by the Department.

(4) There shall be no more than one member from any State in a district, except that the State of Georgia may have two growers from such State representing District 4.

(5) Each grower present shall have one vote for each grower position to be filled in that District.

(c) Nominations for sheller and sheller alternate positions that will become vacant shall be made by any sheller organization(s) recommended by the Board and approved by the Secretary. The following requirements shall apply:

(1) Notice of any such organization's nomination meeting shall be publicized to all shellers within the area (east or west of the Mississippi River), where one or more vacancies exist, and the Secretary, at least ten days prior to said event. The notice shall have attached to it the call for nominations from the Board. Current sheller members on the Board, supported by the Board and its staff, shall be responsible for arranging for and publicizing the meeting.

(2) All shellers within the area may participate in the nominations meeting: *Provided*, That if a sheller has shelling operations on both sides of the Mississippi River, the sheller shall participate within the area in which the sheller so elects in writing to the Board and such election shall remain controlling until revoked in writing to the Board.

(3) The sheller organization(s) shall conduct the nomination process for the nominees in accordance with procedures prescribed by the Department.

(4) Each sheller present shall have one vote for each sheller position to be filled in the applicable area (east or west of the Mississippi River).

(d) The Board shall nominate the importer member and the public member and their respective alternates. Growers shall nominate the first handler member and alternate. All shall be nominated in such manner as may be prescribed by the Secretary.

(e) There shall be two individuals nominated for each vacant position. Each nominee shall meet the qualifications set forth in the call.

(f) Except for the establishment of the initial Board, the nominations shall be certified by the Board and submitted to the Secretary no later than May 1 preceding the commencement of the term of office for Board membership, or such other data as approved by the Secretary.

(g) The Secretary may reject any nominee submitted. If there are insufficient nominees from which to appoint members to the Board as a result of the Secretary's rejecting such nominees, additional nominees shall be submitted to the Secretary in the same manner.

§ 1211.33 Term of office.

(a) The term of office of Board members and their alternates shall be three years, except that the members and alternates of the initial Board shall serve terms as follows: The two growers and their alternates from each of Districts 1 and 4, and the public member and alternate shall serve one-year initial terms; two growers and their alternates from District 3, two shellers and their alternates from east of the Mississippi River and the importer member and alternate shall serve two-year initial terms; and the two growers and their alternates from District 2, two shellers and their alternates from west of the Mississippi River, and the first handler member and alternate shall serve three-year initial terms.

(b) The term of office for the initial Board shall begin immediately following appointment by the Secretary. Time in the interim period, from appointment until the term begins pursuant to this section, shall not count towards the initial term of office. In subsequent years, the term of office shall begin on October 1 or such other period which may be approved by the Secretary.

(c) Board members and alternates shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member or alternate shall serve more than two successive terms: except that those members and alternates serving initial terms of one year may serve two full succeeding three-year terms following the one-year initial term.

§ 1211.34 Acceptance.

Each person nominated for membership on the Board shall qualify by filing a written acceptance with the Secretary. Such written acceptance shall accompany the nominations list required by § 1211.32 of this part.

§ 1211.35 Vacancies.

(a) In the event any member of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. If the Secretary finds the recommendation of the Board shows adequate cause, the Secretary shall remove such member from office. Further, without recommendation of the Board, a member may be removed by the Secretary upon showing of adequate cause, if the Secretary determines that the person's continuing services would be detrimental to the purposes of the Act.

(c) To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, the alternate of that member shall automatically assume the position of said member. A replacement for said alternate shall be nominated and selected in the manner specified in § 1211.32 of this part. Should the positions of both a member and such member's alternate become vacant, successors for the unexpired terms of such member and alternate shall be nominated and selected in the manner qualified in § 1211.32 of this part.

Nomination and replacement shall not be required for any vacancy where the unexpired term of office is less than six months. In the event of failure to provide nominees for such vacancies the Secretary may appoint other eligible persons.

§ 1211.36 Procedure.

(a) Eight Board members, including alternates acting in place of members of the Board, shall constitute a quorum: *Provided*, That such alternates shall serve only when the member is absent from a meeting or is disqualified. Any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings, all votes shall be cast in person.

(b) In lieu of voting at a properly convened meeting, and when in the opinion of the chairperson of the Board such action is considered necessary, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, telephone, facsimile, or by other means of communication: *Provided*, That each member or alternate acting for a member receives an accurate, full, and substantially identical explanation of each proposition. Telephone votes shall be promptly confirmed in writing. All votes shall be recorded in the Board minutes.

§ 1211.37 Compensation and reimbursement.

Board members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses incurred by them only in the performance of their Board duties under this subpart.

§ 1211.38 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this Plan in accordance with its terms and conditions;

(b) To recommend to the Secretary rules and regulations to effectuate the terms and conditions of this Plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this Plan;

(d) To recommend to the Secretary amendments to this Plan; and

(e) With the approval of the Secretary, to invest in risk-free, short term, interest-bearing accounts, pending disbursement pursuant to a program or project, funds collected through assessments authorized under § 1211.51 of this part. The investment can only be in obligations of the United States or any agency thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States. Income from any such invested funds may be used for any purpose for which the invested funds may be used.

§ 1211.39 Duties.

The Board shall, among other things, have the following duties:

(a) To meet not less than annually, organize, and select from among its members, a chairperson and such other officers as may be necessary; to select committees and subcommittees of Board members; to recommend for Department approval such rules and bylaws for the conduct of Board business as it may deem advisable; and it may establish special working committees that may include persons other than Board members, and reimburse the necessary and reasonable expenses and fees of such persons serving on such committees;

(b) To employ such individuals as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds or any other form of bonding permitted by statute and/or approved by the Secretary;

(c) To prepare and submit for the Secretary's approval, at least 60 days prior to the beginning of each fiscal period, a recommended rate of assessment and a fiscal period budget of the anticipated income and expenses for the administration of this Plan, including the projected costs of all programs and projects;

(d) To develop programs and projects, which must be approved by the Secretary before becoming effective, and enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of programs or projects of research, promotion or information. The cost of such programs and projects will be paid with funds collected pursuant to this Plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of all meetings shall be promptly provided to the Secretary;

(f) To appoint and convene, from time to time, working committees drawn from growers, grower-shellers, first handlers, shellers, importers, and the public to assist in the development of research, promotion, industry information, and consumer information programs for pecans;

(g) To establish an interest bearing escrow account with a bank which is a member of the Federal Reserve System and to deposit into such account an amount equal to the product obtained by multiplying the total amount of assessments collected by the Board during the period prior to the initial referendum by 10 percent. If continuance of the Plan is favored by a majority voting in the initial referendum conducted under the Act, all funds in the escrow account shall be returned to the Board for use by the Board;

(h) To prepare and submit to the Secretary such reports as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to the Board monthly, or at such times as prescribed by the Secretary. Monthly financial statements shall be submitted to the Department and shall include at least:

(1) A balance sheet, and

(2) An expense budget comparison showing expenditures during the month, year-to-date expenditures, and an unexpended budget. Upon request, a summary of checks issued by the Board is to be made available. Reports shall be submitted within 30 days after the end of each month.

(i) To cause the books of the Board to be audited by an independent certified public accountant at the end of each fiscal period, and at such other times as the Board or the Secretary may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part.

(j) To investigate violations of the Plan and report the results of such investigations to the Secretary for appropriate action to enforce the provisions of this Plan;

(k) To periodically prepare, make public, and make available to growers, grower-shellers, shellers, first handlers, importers, and the Secretary, reports of its activities, including an annual report which should be submitted to the Secretary within 90 days after the end of the fiscal period.

(l) To give the Secretary the same notification, written or oral, as provided to Board members concerning all conference calls and meetings, including executive, advisory, subcommittee, and other meetings related to Board matters, and to grant the Secretary access to all such calls and meetings;

(m) To act as intermediary between the Secretary and any grower, grower-sheller, sheller, first handler, or importer;

(n) To furnish the Secretary such information as the Secretary may request;

(o) To notify pecan growers, grower-shellers, shellers, first handlers, and importers of all Board meetings through press releases or other means;

(p) To develop and recommend such rules and regulations to the Secretary for approval as may be necessary for the development and execution of programs or projects to effectuate the declared purpose of the Act; and

(q) To follow the Department's equal opportunity/civil rights policies.

Research and Promotion

§ 1211.40 Policy and objective.

It shall be the policy of the Board to carry out an effective, continuous, and coordinated program of pecan promotion, research, and industry and consumer information in order to:

(a) Strengthen pecans' competitive position in the marketplace;

(b) Maintain and expand existing domestic and foreign markets and uses for pecans; and

(c) Develop new or improved markets and uses for pecans.

It shall be the objective of the Board to carry out programs and projects which will provide maximum benefit to the pecan industry.

§ 1211.41 Programs and projects.

The Board shall receive and evaluate, or on its own initiative develop, and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for industry and consumer information, advertising, and promotion of pecans designed to strengthen the position of the pecan industry in the marketplace and to maintain, develop, and expand markets for pecans and pecan products;

(b) The establishment and implementation of research and development projects and studies to the end that the acquisition of knowledge pertaining to pecans or their consumption and use may be encouraged or expanded, or to the end that the marketing and use of pecans may be encouraged, expanded, improved, or made more efficient: *Provided,* That quality control, grade standards, supply management programs or other programs that would otherwise limit the right of the individual pecan grower to produce pecans shall not be conducted under, or as a part of, this Plan;

(c) The development and expansion of pecan sales in foreign markets;

(d) A prohibition on advertising or on any program or project that makes any reference to a variety, brand, trade name, state or regional identification of pecans or uses false or unwarranted claims on behalf of pecans or false or unwarranted statements with respect to the attributes or use of another product; but this does not preclude tie-ins with other non-pecan branded or non-branded products; and

(e) Periodic evaluation by the Board of each program or project authorized under this Plan to insure that each program or project contributes to an effective and coordinated program of research, education, and promotion and at least an annual submission of such evaluation to the Secretary. If the Board or the Secretary finds that a program or project does not further the purpose of the Act, then the Board shall terminate such program or project.

§ 1211.42 Contracts.

To ensure efficient use of funds, the Board, with the approval of the Secretary, may enter into contracts or make agreements for the development and submission of programs or projects authorized by the Plan and for carrying out such programs or projects and pay for the costs of such contracts or agreements with funds collected pursuant to §§ 1211.51 or 1211.50(g). Requirements include the following:

(a) Contractors shall develop and submit to the Board a plan or project together with a budget or budgets that shall show estimated costs to be incurred for such plan or project;

(b) Plans and projects shall only become effective upon approval of the Secretary;

(c) Contractors shall keep accurate records of all transactions, account for funds received and expended, make periodic reports to the Board of activities conducted, and make such other reports as the Board or the Secretary may require;

(d) Subcontractors who enter into contracts or agreements with Board contractors and who receive or otherwise utilize funds allocated by the Board shall be subject to the same provisions as the contractors;

(e) The records of contractors and subcontractors shall be subject to audit by the Secretary.

Expenses and Assessments

§ 1211.50 Budget and expenses.

(a) At least 60 days prior to the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated income and expenses in the administration of this Plan, including probable costs of research, promotion, and industry and consumer information. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1211.56 of this part.

(b) Each budget shall include:

(1) A statement of objectives and strategy for each program or project, including reasons for significant changes from the preceding budget period,

(2) A summary of anticipated revenue, with comparative data for at least the preceding year,

(3) A summary of proposed expenditures by each program or project, with comparative data for at least the preceding year, and

(4) Staff and administrative expense breakdown with comparative data for at least the preceding year. Comparative data reporting will not apply to the initial budget.

(c) The Board is authorized to incur such expenses for research, promotion, and industry and consumer information concerning pecans, such other reasonable expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary and those costs incurred by the Department specified in paragraph (d) of this section. The funds to cover such expenses shall be paid from assessments collected pursuant to § 1211.51 of this part. Expenses for programs and projects may also be paid with funds received pursuant to paragraph (g) of this section.

(d) The Board shall reimburse the Department for all expenses incurred in implementing and administering the Plan, except for salaries of Federal Government employees incurred in conducting any referendum. The Board shall pay those costs incurred by the Department for the conduct of Department duties under the plan as determined periodically by the Secretary. The Department will bill the Board monthly and payment shall be due promptly after the billing of such costs.

(e) The Board may accept voluntary contributions but these shall only be used to pay expenses incurred in the conduct of programs and projects. However, such contributions shall only be accepted from persons not subject to assessments under this Plan: *Provided,* That such contributions shall be free from any encumbrances by the donor

and the Board shall retain complete control of their use.

(f) Any amendment(s) or addition(s) to an approved budget shall be approved by the Secretary, including shifting of funds from one program or project to another, except such shifts that are consistent with governing bylaws need not have prior approval by the Secretary.

(g) Effective 3 years after the date of the establishment of the Board, the Board shall not spend in excess of 20 percent of the assessments collected under section 1912 of the Act for administration of the Board.

§ 1211.51 Assessments.

(a) *General.* During the effective period of this Plan, assessments shall be levied on all pecans produced in, and all pecans imported into, the United States and marketed, except as otherwise provided in this part pursuant to § 1911(b) of the Act. No more than one assessment on a first handler, grower-sheller or importer shall be made on any lot of pecans.

(b) *Rates.* Assessment rates shall not exceed a maximum of one-half cent per pound for in-shell pecans during the period prior to the initial referendum required by § 1916(a) for the Act and may be up to a maximum of two cents per pound thereafter, as recommended by the Board and approved by the Secretary. The rate of assessment of shelled pecans shall be twice the rate established for in-shell pecans.

(c) *Time of payment.* The assessment shall become due at the time the pecans are first handled, or entered, or withdrawn, for consumption, into the United States.

(d) *Responsibility for payment and due dates.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, the first handler and grower-sheller shall be responsible for payment of assessments to the Board on all pecans handled.

(i) Such assessments shall be deducted from the payment made to a grower for all pecans sold to the first handler.

(ii) All such assessments shall be remitted to the Board no later than the last day of the month following the month that the pecans being assessed were purchased by or marketed by the handler. To avoid late payment charges, the assessments must be mailed to the Board and postmarked by such last day.

(2) Grower-shellers shall pay to the Board the assessment on the pecans for which they act as first handler.

(i) Each first handler who is a grower-sheller shall remit such assessments to the Board, to the extent practicable, in payments of one-third of the total annual amount of such assessment due to the Board on January 31, March 31, and May 10, or such dates as may be recommended by the Board and approved by the Secretary, during the fiscal year that the pecans being assessed were harvested. To avoid late payment charges, the assessments must be mailed to the Board and postmarked by the required due dates.

(3) Importers of pecans shall pay the assessment to the Board through the Customs Service. The Customs Service will collect assessments on all pecans imported at the time of entry, or withdrawal for consumption, and forward such assessments as per agreement between the customs Service and the Department.

(e) *Remittance.* First handler and grower-sheller remittance shall be by check, draft, or money order payable to the Pecan Marketing Board and shall be accompanied by a report specified in § 1211.60.

(f) *First handler prepayment of assessments.* (1) In lieu of the assessment payment and reporting requirements of this section and § 1211.60, the Board may permit first handlers to make advance payment of their total estimated assessments for the crop year to the Board prior to their actual determination of assessable pecans. If any such estimate appears unreasonably low, the Board may request additional evidence from that first handler to justify such estimate. If, after reviewing any additional evidence, the Board concludes that such estimate is not reasonable, it shall notify that handler that it is withdrawing that individual's privilege of prepaying such assessment, unless a reasonable estimate is submitted. Any handler whose prepayment is consistently and significantly under the final assessment due shall be subject to provisions of paragraph (g) of this section on the deficient amounts. The Board shall not be obligated to pay interest on any advance payment.

(2) First handlers prepaying assessments shall provide a final annual report of actual handling. First handlers shall remit any unpaid assessments not later than the last day of the month following the last month the first handler purchased or marketed pecans or at the end of each fiscal period if such first handler purchases or markets assessable pecans on a year-round basis.

(3) First handlers prepaying assessments shall, after filing a final annual report, receive a reimbursement of any overpayment of assessments.

(4) First handlers prepaying assessments shall, at the request of the Board, provide the Board with a handling report on any and all growers for whom the first handler has provided handling services but has not yet filed a handing report with the Board.

(5) Specific requirements, instructions, and forms for making such advance payments shall be provided by the Board on request.

(g) *Late payment charges and interest.* (1) A late payment charge shall be imposed on any first handler or grower-sheller who fails to make timely remittance to the Board of the total assessments. Such late payment shall be imposed on any assessments not received before the tenth day after the assessment is due. This one-time late payment charge shall be ten (10) percent of the assessments due before interest charges have accrued.

(2) In addition to the late payment charge, one and one-half percent per month interest on the outstanding balance, including the late payment charge and any accrued interest, will be added to:

(i) Any first handler accounts delinquent beyond 30 days after the last day of the month following the month that the assessments became due; and

(ii) Any grower-sheller accounts delinquent beyond 30 days after the assessments became due.

Such interest will continue monthly until the outstanding balance is paid to the Board.

(h) *Special state assessment.* (1) The Board shall, subject to approval of the Secretary and if authorized by State law and requested by such State's pecan marketing board or commission, collect a one-quarter cent special assessment for in-shell pecans, and a one-half cent special assessment for shelled pecans to be remitted by the Board to such State pecan marketing board for use by the State board in funding research projects to promote pecans pursuant to State law.

(2) The Board shall, upon receipt of such assessments, remit such assessments to the State, within a time period mutually agreed upon between the State and the Board and approved by the Secretary.

(3) In the collection of such State assessments, neither the Board nor the Secretary shall in any manner enforce the collection or remittance of any such payment of such State assessments or investigate nonpayment of such State assessments, except to provide the State board with the names of growers from whom such assessments were and were not collected and the respective

amounts of assessments that were and were not collected.

(4) The Secretary may make such procedures or regulations as may be necessary to carry out the provisions of this subsection.

(i) *Payment through cooperating agency.* The Board may enter into agreements, subject to approval of the Secretary, authorizing other organizations, such as a State pecan board, to collect assessments in its behalf. In any State or area in which the Board has entered into such an agreement, the first handler and grower-sheller shall pay the assessment to such agency in the time and manner, and with such identifying information as specified in such agreement. Such an agreement shall not provide any cooperating agency with authority to collect confidential information from growers. To qualify, the cooperating agency must on its own accord have access to all information required by the Board for collection purposes. If the Board requires further evidence of payment than provided by the cooperating agency, it may acquire such evidence from individual first handlers and grower-shellers. All such agreements are subject to the requirements of the Act, Plan, and all applicable rules and regulations under the Act and the Plan.

§ 1211.52 Failure to remit and report.

Any first handler, grower-sheller, or importer who failes to submit remittances and reports as required by this part shall be subject to appropriate action by the Board which may include one or more of the following actions:

(a) Audit of the first handler's, grower-shellers, or importer's or books and records to determine the amount owed the Board.

(a) Establishment of an escrow account for the deposit of assessments collected. Frequency and schedule of deposits and withdrawals from the escrow account shall be determined by the Board with the approval of the Secretary.

(c) Referral to the Secretary for appropriate enforcement action.

§ 1211.53 Determination of first handler.

The following examples are provided to aid in the identification of first handlers:

(a) Grower sells pecans of own production to a handler. The handler is the first handler and is responsible for payment of the assessments.

(b) Grower sells pecans of that grower's own production from the orchard, roadside stand, or storage to a consumer or other buyer who is not a handler of pecans. The grower is the first handler and is responsible for payment of the assessments.

(c) Grower sells pecans to a sheller. The sheller is the first handler and is responsible for payment of the assessment.

(d) Grower delivers in-shell pecans to a sheller for shelling and the sheller returns the shelled pecans to the grower who sells the pecans to a consumer or other buyer who is not a handler of pecans. The grower is the first handler and is responsible for payment of the assessments.

(e) Grower delivers in-shell pecans to a sheller for shelling and the sheller returns the shelled pecans to the grower who sells the pecans to a handler. The handler is the first handler and is responsible for payment of the assessments.

(f) Handler buys pecans from a grower and sells the pecans to another handler. The handler who buys the pecans from the grower is the first handler and is responsible for payment of the assessments.

(g) Grower supplies pecans to a cooperative marketing association which sells the pecans and makes an accounting to the grower, or pays the proceeds of the sale to the grower. The cooperative marketing association becomes the first handler and is responsible for payments of the assessments.

(h) Grower sells pecans to a processor. The processor is the first handler and is responsible for payment of the assessments.

(i) Broker receives pecans from a grower and sells such pecans in the broker's company name. The broker is the first handler, regardless of whether the broker took title to such pecans, and is responsible for payment of the assessments.

§ 1211.54 Authority to borrow.

The Board is authorized to borrow funds, as approved by the Secretary, for capital outlays and start-up costs including the payment of administrative expenses subject to the same fiscal, budget, and audit controls as other funds of the Board.

§ 1211.55 Refunds.

(a) Subject to the provisions of this section, any grower, grower-sheller, or importer shall have the right to personally demand and receive from the Board a one-time refund of assessments paid by or on behalf of such grower, grower-sheller, or importer during the period beginning on the effective date of this Plan and ending on the date the initial referendum specified in the Act is conducted: *Provided,* That:

(1) Such grower, grower-sheller, or importer makes application and provides proof of payment as required in paragraphs (b), (c), and (d) of this section;

(2) Such grower, grower-sheller, or importer does not support the program established under this Plan; and

(3) This Plan is not approved pursuant to the initial referendum conducted under § 1916(a) of the Act.

(b) Application form. A grower, grower-sheller, or importer shall obtain a refund application form from the Board by written request which shall bear the grower's grower-sheller's, or importer's signature. For partnerships, corporations, associations, or other business entities, a partner or an officer of the entity must sign the request and indicate his or her title.

(c) Submission of refund application to the Board. Any grower, grower-sheller, or importer requesting a refund shall mail the refund application on the prescribed form to the Board. Such application shall be considered if received prior to the conduct of the initial referendum. The refund application shall show the following:

(1) Grower's, grower-sheller's, or importer's name and address;

(2) First handler's or handlers' name(s) and address(es);

(3) Number of pounds of pecans on which refund is requested;

(4) Total amount to be refunded;

(5) Proof of payment as described below; and

(6) Grower's, grower-sheller's, or importer's signature.

Where more than one grower, grower-sheller, or importer shared in the assessment payment, the refund application shall show, in addition to other required information, the names, addresses and proportionate shares of such growers, grower-shellers, or importers and the signature of each. Any request for refund of assessments paid may be in part or total.

(d) Proof of payment of assessment. Evidence of payment of assessments satisfactory to the Board, such as the receipt or accounting given to the grower or importer by the collecting person or a copy thereof, or in the case of a grower-sheller the handling report or a copy therof, shall accompany the grower's, grower-sheller's or importer's refund application. Evidence submitted with refund applications shall not be returned to the applicant.

(e) Payment of refund. (1) If the initial referendum required by § 1916(a) of the Act shows that a majority of those

voting do not favor continuation of this Plan, the Board shall pay refund requests within 90 days of the date the results of the referendum are released by the Secretary. Should the amount of funds in the account required by § 1912(f) of the Act not be sufficient to refund the total amount of assessments demanded by eligible growers, grower-shellers, or importers, the Board shall prorate the amount of such refunds among all eligible growers, grower-shellers, and importers who demand such refund. Names of individuals obtaining refunds shall be kept confidential and made available only to the Secretary and the Board employees essential to refund processing.

(2) No refunds shall be paid to any grower, grower-sheller, or importer making demand for such refund if this Plan is approved by a majority of those voting in the initial referendum required by § 1916(a) of the Act, and all funds in the escrow account established pursuant to § 1912(f) of the Act shall be returned to the Board for use by the Board in funding approved programs and projects.

§ 1211.56 Operating reserve.

The Board may establish an operating monetary reserve and carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this subpart.

Reports, Books, and Records

§ 1211.60 Reports.

(a) Each first handler, grower-sheller, and importer who is subject to this Plan shall be required to report to the Board, at such times and in such manner as is prescribed by the regulations, such information as may be considered necessary by the Secretary for the Board to perform its duties and to ensure compliance with the Act and with this part.

(b) Each first handler and grower-sheller shall maintain a separate record with respect to each grower for whom 5,000 pounds or more pecans were handled in a single lot.

(c) First handlers shall file with the Board a report for each month that pecans were handled, along with any assessment payments due under § 1211.51(d)(1) of this part, and grower-shellers shall file with the Board a report, along with the assessment payment, by the payment due dates provided in paragraph (d)(2)(ii) of § 1211.51 of this part. All such reports shall contain at lest the following information:

(1) The first handler's or grower-sheller's name, address, and telephone number;

(2) Date of report (which is also the date of any payment to the Board);

(3) Period covered by the report;

(4) Total quantity of pecans handled during the reporting period;

(5) Total quantity of pecans from the reporting period for which assessments are remitted;

(6) For first handlers only, the total quantity of pecans from previous reporting periods for which assessments are remitted;

(7) Date of last report remitting assessments to the Board;

(8) Listing of all periods for whom the first handler or grower-sheller handled pecans, their addresses, pounds handled, and total assessments remitted for each grower. In lieu of such a list, the first handler or grower-sheller may substitute copies of settlement sheets given to each person or computer generated reports, provided such settlement sheets or computer reports contain all the information listed above; and

(9) For first handlers only, a listing of all persons, including the reporting date, for whom the first handler previously reported by for whom assessments are remitted with the current report. In lieu of such a list, the first handler may substitute a copy of the applicable handler's report appropriately marked to identify those persons for whom assessments are currently being remitted.

(d) The words "final report" shall be shown on the last report at the close of the first handler's and grower-sheller's marketing season or at the end of each fiscal period if such first handler or grower-sheller markets pecans on a year-round basis.

(e) Each importer shall file with the Board, no later than the last day of the month following the month that the assessments because due, a monthly report containing at least the following information:

(1) Importer's name, address, and telephone number;

(2) Quantity of pecans entered, or withdrawn, for consumption into the United States;

(3) Amount of assessments paid on pecans entered, or withdrawn, for consumption into the United States to the Customs Service at the time of entry, or withdrawal, for consumption and the port of ports of entry; and

(4) Amount of any pecans on which the assessment was not paid to the Customs Service at the time of entry, or withdrawal, for consumption into the United States and the port or ports of entry.

(f) In the event of a first handler's grower-sheller's, or importer's death, bankruptcy, receivership, or incapacity to act, the representative of the first handler, grower-sheller, or importer of such individual's estate, shall be considered the first handler, grower-sheller, or importer for the purposes of this part.

§ 1211.61 Books and records.

Each first handler, grower-sheller, and importer subject to this Plan shall maintain, and during normal business hours make available for inspection and copying by authorized employees of the Board or Secretary, such books and records as are necessary to carry out the provisions of this Plan and the regulations issued thereunder, including such records as are appropriate and necessary to verify all reports required under this subpart. All such books and records and reports required by this subpart shall be maintained and retained for at least two years beyond the fiscal period of their applicability.

§ 1211.62 Confidential treatment of books, records, and reports.

(a) Except as otherwise provided in the Act and this subpart, all information obtained from the books, records, or reports required to be maintained shall be kept confidential and shall not be disclosed to the public or Board members by any person. Only such information as the Secretary deems relevant shall be disclosed to the public and then only in a suit or administrative hearing brought at the direction, or on the request, of the Secretary, or to which the Secretary or any other officer of the United States is a party, and involving this Plan: Except that nothing in this subpart shall be deemed to prohibit:

(1) Issuance of general statements based on the reports of a number of first handlers, grower-shellers, or importers subject to this Plan if such statements do not identify the information furnished by any person; or

(2) Publication by direction of the Secretary of the name of any person violating this Plan together with a statement of the particular provisions of this Plan violated by such person; or

(3) Release of information obtained under this subpart to another agency of the Federal Government for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency has made a written request to the Secretary specifying the

particular activity for which the information is sought.

(b) Any disclosure of confidential information by any Board member or employee of the Board, except as required by law or allowed by the Act, shall be considered willful misconduct and a violation of the Act.

Miscellaneous

§ 1211.70 Right of the Secretary.

All fiscal matters, programs or projects, by-laws, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1211.71 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for efforts in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty or willful misconduct.

§ 1211.72 Influencing government action.

(a) The Board shall not engage in any action to, nor shall any funds received by the Board under this Plan be used to influence legislation or governmental action, other than recommending to the Secretary amendments to this Plan.

(b) The Board is not precluded from providing factual information to Government officials, if the information is presented in an unbiased manner and does not state a specific course of action. Persons in their official capacity representing the Board may not appear before Congress, unless authorized by the Secretary.

§ 1211.73 Suspension or termination.

(a) Whenever the Secretary finds that this Plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, the Secretary shall terminate or suspend the operation of this Plan or such provision thereof.

(b) After the initial referendum, the Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the total number of pecan growers, grower-shellers, and importers, to determine if pecan growers, grower-shellers, and importers favor termination or suspension of this Plan. The Secretary shall terminate or suspend this Plan whenever the Secretary determines that its termination or suspension is favored by a majority of the pecan growers, grower-shellers, and importers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production or importation of pecans. Any such referendum shall be conducted at county Agricultural Stabilization and Conservation Service offices.

(c) If, as a result of any referendum conducted under the Act, the Secretary determines that suspension or termination of this Plan is favored by a majority of the growers, grower-shellers, and importers voting in the referendum, the Secretary shall:

(1) Within six months after making such determination, suspend or terminate, as the case may be, collection of assessments under this Plan; and

(2) As soon as practicable, suspend or terminate, as the case may be, activities under this Plan in an orderly manner.

§ 1211.74 Proceedings after termination.

(a) Upon the termination of this Plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to § 1211.42 of this part;

(3) From time-to-time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to person or persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all the funds, property, and claims vested in the Board or the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligations imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Department to be used, to the extent practicable in the interest of continuing one or more of the pecan promotion, research, consumer or industry information programs authorized under the Plan or be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1211.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this Plan or any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this Plan or any regulation issued thereunder; or

(b) Release or extinguish any violation of this Plan or any regulation issued thereunder; or

(c) Affect or impair rights or remedies of the United States, or of the Secretary, or of any other person with respect to any such violation.

§ 1211.76 Separability.

If any provision of this Plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Plan or applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1211.77 Patents, copyrights, inventions, product formulations and publications.

Any patents, copyrights, inventions, product formulations, or publications developed through the use of funds collected under the provisions of this Plan shall be the property of the United States Government as represented by the Board. Funds generated by such patents, copyrights, inventions, product formulations, or publications shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board. Upon termination of this part, § 1211.74 of this part shall apply to determine the disposition of all such property.

§ 1211.78 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Public law 96-511, is OMB number 0581-0093, except Board member nominee information sheets are assigned OMB number 0505-0001.

Dated: December 19, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91-30732 Filed 12-24-91; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 29

[Docket No. 91-ASW-4; Notice No. SC-91-4-SW]

Special Conditions: Aerospatiale Model AS-365N2 "Dauphin" Helicopter, Electronic Flight Instrument System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Aerospatiale Model AS-365N2 "Dauphin" helicopter. This helicopter will have a novel or unusual design feature associated with the Electronic Flight Instrument System. The applicable airworthiness regulations do not contain appropriate safety standards for the requirements to protect critical function systems from the effects of external radio frequency energy sources. This notice contains proposed additional safety standards that the Administrator considers necessary to ensure that critical functions of systems in the Aerospatiale Model S-365N2 "Dauphin" helicopter would be maintained.

DATES: Comments must be received on or before January 15, 1992.

ADDRESSES: Comments on this proposed special condition may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attention: Docket No. 91-ASW-4, Fort Worth, Texas 76193-0007, or delivered in duplicate to the Office of the Assistant Chief Counsel, Building 3B, room 158, 4400 Blue Mound Road, Fort Worth, Texas.

All comments must be marked Docket No. 91-ASW-4. Comments may be inspected in the Office of the Assistant Chief Counsel, at the address specified above, between 8 a.m. and 4 p.m., weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Carroll Wright, FAA, Rotorcraft Standards Staff, Regulations Group, Fort Worth, Texas 76193-0111; telephone (817) 624-5121.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on this proposal. The special conditions proposed in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Regional Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 91-ASW-4." The postcard will be date/time stamped and returned to the commenter.

Background

On September 27, 1991, Keystone Helicopter Corporation, West Chester, Pennsylvania, applied for a Supplemental Type Certificate for installation of an Electronic Flight Instrument System and Flight Management System in an Aerospatiale AS-365N2 "Dauphin" helicopter. The Model AS-365N2 "Dauphin" is a 13 passenger, two engine, 9,370 pound transport category helicopter.

Type Certificate Basis

The certification basis established for the Model AS-365N2 includes: FAR 21.29 and FAR 29 effective February 1, 1965, Amendments 29-1 through 29-11; Airworthiness Criteria for Helicopter Instrument Flight, dated December 15, 1978 for IFR certification; and Longitudinal Static Stability FAR 29.173. Aerospatiale has elected to comply with FAR 29 Amendments 29-12 through 29-16 except for FAR 29.397 as concerns rotorbrake.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of an aircraft or installation. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become a part of the type certification basis, as provided by § 21.101(b)(2).

Discussion

The Aerospatiale Model AS-365N2 helicopter, at the time of application, was identified as incorporating one and possibly more electrical/electronic systems that will be performing functions critical to the continued safe flight and landing of the helicopter. The Electronic Flight Instrument System performs the function of display of attitude. The display of attitude, altitude, and airspeed to the pilot is critical to the continued safe flight and landing of the helicopter for instrument flight rules (IFR) operations in Instrument Meteorological Conditions. When the design is finalized, Keystone Helicopter Corporation will provide the FAA with a preliminary hazard analysis that will identify any other critical functions performed by electrical/electronic systems.

Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. These advanced systems are responsive to the transient effects of induced electrical current and voltage caused by the high intensity radiated fields (HIRF) incident on the external surface of the helicopter. These induced transient currents and voltages can degrade the performance of electronic systems by damaging the components or by upsetting the system's functions.

Furthermore, the electromagnetic environment has undergone a transformation not envisioned by the current application of the § 29.1309(a) requirement. Higher energy levels radiate from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly.

Existing aircraft certification requirements are inappropriate in view of the aforementioned technological advances. In addition, the FAA has received reports of some significant safety incidents and accidents involving military aircraft equipped with advanced electronic systems when they were exposed to electromagnetic radiation.

The combined effects of the technological advances in helicopter design and the changing environment have resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the helicopter. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these

systems. The primary factors that have contributed to this increased concern are: (1) The increasing use of sensitive electronics that perform critical functions; (2) the reduced electromagnetic shielding afforded helicopter systems by advanced technology airframe materials; (3) the adverse service experience of military aircraft using these technologies; and (4) the increase in the number and power of radio frequency emitters and the expected increase in the future.

The FAA recognized the need for aircraft certification standards to keep pace with the developments in technology and environment and, in 1986, initiated a high priority program to: (1) Determine and define the electromagnetic energy levels; (2) develop and describe guidance material for design, test, and analysis; and (3) prescribe and promulgate regulatory standards. The FAA participated with industry and airworthiness authorities of other countries to develop internationally recognized standards for certification.

At this time, the FAA and airworthiness authorities of other countries have established a level of HIRF environment that a helicopter could be exposed to during IFR operations.

While the HIRF requirements are being finalized, the FAA is adopting special conditions for the certification of aircraft that employ electrical/electronic systems performing critical functions. The accepted maximum energy levels in which civilian helicopter system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. This special condition would require that the helicopter be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels are believed to represent the worst-case exposure for a helicopter operating IFR.

The defined HIRF environment specified in this proposed special condition is based on many critical assumptions; among these is that with the exception of takeoff and landing at an airport, the aircraft would be not less than 500 feet above ground level (AGL). Helicopters operating under visual flight rules (VFR) routinely operate at less than 500 feet AGL and perform takeoffs and landings at locations other than controlled airports. Therefore, it would be expected that the HIRF environment experienced by a helicopter operating VFR may exceed the given environment by twice or more.

This special condition would require qualification of systems that perform critical functions, as installed in aircraft, to either a defined HIRF environment or to a fixed value using laboratory tests.

The applicant may demonstrate that the operation and the operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment. The FAA has determined that the environment defined in table I is acceptable for critical functions in helicopters operating not less than 500 feet above ground level (AGL). For critical functions in helicopters operating at altitudes less than 500 feet (AGL), additional considerations must be given.

The applicant may demonstrate by a laboratory test that the electrical and electronic systems that perform critical functions withstand a peak electromagnetic field strength in a frequency range of 10 KH_z to 18 GH_z. If a laboratory test is used to show compliance with the HIRF requirements, no credit would be given for signal attenuation due to installation. A level of 100 v/m and further considerations such as an alternate technology backup that is immune to HIRF are appropriate at this time for critical functions during IFR operations. A level of 200 v/m and further considerations such as an alternate technology backup that is immune to HIRF are more appropriate for critical functions during VFR operations.

For helicopters, the primary electronic flight displays are critical for IFR operations and a full authority digital engine control (FADEC) is an example of a critical functioning system for all operations (both IFR and VFR).

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify electrical and/or electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the helicopter. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements.

A system may perform both critical and noncritical functions. Primary electronic flight display systems and their associated components perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements would only apply to critical functions.

Compliance with HIRF requirements would be demonstrated by tests, analysis, models, similarity with existing systems, or a combination thereof. Service experience alone would not be acceptable since such experience in normal flight operations may not include an exposure to the HIRF environmental condition. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

The modulation should be selected as the signal most likely to disrupt the operation of the system under test, based on its design characteristics. For example, flight control systems may be susceptible to 3 H_z square wave modulation while the video signals for electronic display systems may be susceptible to 400 H_z sinusoidal modulation. If the worst-case modulation is unknown or cannot be determined, default modulations may be used. Suggested default values are a 1 KH_z sine wave with 80 percent depth of modulation in the frequency range from 10 KH_z to 400 MH_z and 1 KH_z square wave with greater than 90 percent depth of modulation from 400 MH_z to 18 GH_z. For frequencies where the unmodulated signal would cause deviations from normal operation, several different modulating signals with various waveforms and frequencies should be applied.

Acceptable system performance would be attained by demonstrating that the system under consideration continues to perform its intended function during and after exposure to required electromagnetic fields. Deviations from system specification may be acceptable and would need to be independently assessed by the FAA for each application.

TABLE 1.—FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10–500 KH_z	80	80
500–2000	80	80
2–30 MH_z	200	200
30–100	33	33
100–200	33	33
200–400	150	33
400–1000	8.3K	2K
1–2GH_z	9K	1.5K
2–4	17K	1.2K
4–6	14.5K	800
6–8	4K	666
8–12	9K	2K
12–20	4K	509
20–40	4K	1K

Conclusion

This action would affect only certain unusual or novel design features on one series of rotorcraft. It would not be a rule of general applicability and would affect only the applicant who applied to the FAA for approval of these features on the rotorcraft.

List of Subjects in 14 CFR Parts 21 and 29

Aircraft, Air transportation, Aviation safety, Rotorcraft, Safety.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2); 42 U.S.C. 1857f–10, 4321 et seq., E.O. 11541, 49 U.S.C. 106(g) (Rev. Pub. L. 97–449, January 12, 1983).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as a part of the type certification basis for the Aerospatiale Model AS–365N2 "Dauphin" helicopter.

Protection for Electrical/Electronic Systems From High Intensity Radiated Fields

Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the helicopter is exposed to high intensity radiated fields external to the helicopter.

Issued in Fort Worth, Texas, on December 13, 1991.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 91–30783 Filed 12–24–91, 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–232–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9–20, –30, –40, –50, and C–9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9 series airplanes, which currently requires repetitive inspections to detect cracks of the forward slat drive drums' bellcrank shafts, and replacement, if necessary. This action would require replacement of the slat drive drums' bellcrank shafts with an improved part, thus terminating the need for repetitive inspections. This proposal is prompted by a number of reports of slat drive bellcrank failures resulting in slat malfunction. This condition, if not corrected, could result in slat asymmetry and potential reduction of lift and lateral control of the airplane at takeoff rotation, as well as the potential for rejected takeoffs from speeds beyond V_1 (the critical engine failure speed).

DATES: Comments must be received no later than February 18, 1992.

ADDRESSES: Submit comments on the proposal in triplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 91–NM–232–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager of Technical Publications—Technical Administrative Support, C1–L5B (54–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. 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. David Hempe, Aerospace Engineer, Los Angeles Aircraft Certification Office, Airframe Branch ANM–120L, FAA, Northwest Mountain Region, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5224.

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 proposal 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 91–NM–232–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. 91–NM–232–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion: On June 5, 1991, the FAA issued AD 91–13–09, Amendment 39–7040 (56 FR 28479, June 21, 1991), to require more stringent repetitive inspection intervals to detect cracks of the forward slat drive drums' bellcrank shafts on McDonnell Douglas Model DC–9 series airplanes, and to require the use of an improved visual inspection procedure. That action was prompted by reports of 22 instances of slat drive drum bellcrank failures and the results of the investigation of those failures, which demonstrated the need for a reduction of previously mandated inspection intervals (reference AD 84–24–03, Amendment 39–4956, (49 FR 48057, December 10, 1984)) in order to detect the cracks in a timely manner. Failure of the slat drive drum bellcrank could result in slat asymmetry and potential reduction of lift and lateral control of the airplane at takeoff rotation, as well as the potential for rejected takeoffs from speeds beyond V_1 (the critical engine failure speed).

Additionally, the FAA issued AD 90–18–03, Amendment 39–6701 (55 FR 34704, August 24, 1990), as part of the "Aging Aircraft Program." That AD requires the removal and replacement of the slat drive drums bellcrank shafts on Model DC–9 series airplanes prior to the accumulation of 100,000 landings or within four years after September 24, 1990, whichever occurs later.

The FAA has recently reassessed the possible consequences of failure of the slat drive drums bellcrank shafts. Based on this reassessment and the numerous reports of findings of cracked slat drive drums bellcrank shafts, the FAA has

determined that removal and replacement of the slat drive drums bellcrank shaft must be accomplished within a shorter time period than is currently required by AD 90–18–03, in order to assure the continued airworthiness of these airplanes.

The FAA also considers that long term continued operational safety will be better assured by actual modification of the airframe to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The FAA's determination that replacement of the slat drive drum bellcrank shaft must be accomplished in order to terminate the need for the currently required repetitive inspections is in consonance with that policy decision.

The FAA has reviewed and approved McDonnel Douglas Alert Service Bulletin A27–250, Revision 3, dated May 15, 1991, which describes procedures for the visual inspection of the slat drive drum bellcrank shafts to detect cracks, and necessary repair. This service bulletin also describes procedures for replacement of the slat drive drum bellcrank shaft with a new improved part; once this new part is installed, the need for repetitive inspections is eliminated.

Since this condition is likely to exist or develop on other airplanes of this same type design, and AD is proposed which would supersede AD 91-13-09 with a new airworthiness directive that would add a requirement to replace the slat drive drums' bellcrank shafts with new improved parts (P/N 5920212–505) within 18 months. This action would be required to be accomplished in accordance with the service bulletin previously described. Replacement of the subject part would constitute terminating action for the repetitive inspections.

The FAA is aware of the inconsistency regarding compliance times for replacement of the bellcrank shafts as set forth in this proposed rule and as currently required by AD 90–18–03. However, McDonnell Douglas Report Number MDC–K1572, "DC–9/MD–80 Aging Aircraft Service Action Requirements Document," which is the subject of AD 90–18–03, will be revised to reflect a compliance time for removal and replacement of the slat drive drums bellcrank shafts consistent with the compliance time of this proposed AD action.

There are approximately 685 Model DC–9–20, –30, –40, –50, and C–9 series airplanes of the affected design in the worldwide fleet. It is estimated that 422 airplanes of U.S. registry would be affected by this AD, that it would take approximately 124 work hours per airplane (62 work hours per slat drive unit) to accomplish the required actions, and that the average labor cost would be $55 per work hour. Required parts would cost approximately $7,658 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,109,716.

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 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 evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

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—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–7040 and by adding the following new airworthiness directive:

McDonnell Douglas: Docket No. 91–NM–232–AD. Supersedes AD 91–13–09, Amendment 39–7040.

Applicability: Model DC–9–20, –30, –40, –50, and C–9 (Military) series airplanes, which correspond to factory serial numbers listed in McDonnell Douglas Service Bulletin 27–196, Revision 1, dated September 28, 1984, or Revision 2, dated December 17, 1990; Service Bulletin 27–250, dated August 29, 1984, or Revision 1, dated October 18, 1984, or Revision 2, dated January 3, 1990; and Alert Service Bulletin A27–250, Revision 3, dated May 15, 1991, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To detect cracks and prevent failure of the slat drive mechanism and its interrelated structure, accomplish the following:

(a) Within 20 days or 135 landings, whichever occurs first after January 10, 1985 (the effective date of AD 84–24–03, Amendment 39–4956), inspect the left and right actuator slat drive mechanism in accordance with McDonnell Douglas Service Bulletin 27–196, Revision 1, dated September 28, 1984, or Revision 2, dated December 17, 1990.

(1) If no cracks are found, no further inspection is required.

(2) If a crack is found, and the crack is less than one inch in length, continue to inspect the actuator slat drive shaft at intervals not to exceed 1,600 landings in accordance with the service bulletin.

(3) If a crack is found, and the crack is one inch or greater in length, prior to further flight, replace the actuator slat drive shaft in accordance with Condition II specified in the service bulletin. Such replacement constitutes terminating action for the inspections required by paragraph (a)(2) of this AD.

(b) Within 20 days or 135 landings, whichever occurs first after January 10, 1985, inspect the forward slat drive drums' bellcrank shafts that have accumulated 4,000 or more landings since new or last overhaul.

(1) If no cracks are detected, continue to inspect the slat drive drum bellcrank shaft for cracks at intervals not to exceed 1,500 landings as shown in Figure 1 of McDonnell Douglas Service Bulletin 27–250, dated August 29, 1984; Revision 1, dated October 18, 1984; or Revision 2, dated January 3, 1990.

(2) If cracks are found, prior to further flight, replace the slat drive drum bellcrank shaft in accordance with Condition II of the service bulletin. Such replacement constitutes terminating action for the repetitive inspection requirements of paragraph (b)(1) of this AD.

(c) Within 500 landings after July 8, 1991 (the effective date of AD 91–13–09, Amendment 39–7040), or at the next scheduled inspection in accordance with paragraph (b) of this AD, whichever occurs earlier, inspect the slat drive drums' bellcrank shafts for cracks, in accordance with McDonnell Douglas Alert Service Bulletin A27–250, Revision 3, dated May 15, 1991. This inspection constitutes terminating action for the repetitive inspection requirements of paragraph (b)(1) of this AD.

(1) If no cracks are found, repeat the inspection of the slat drive drum bellcrank

shaft for cracks at intervals not to exceed 750 landings, in accordance with the alert service bulletin.

(2) If cracks are found, prior to further flight, replace the slat drive drum bellcrank shaft with a new drum shaft, P/N 5920212–505, in accordance with Condition II specified in the alert service bulletin. Such replacement constitutes terminating action for the repetitive inspection requirements of paragraph (c)(1) of this AD.

(d) If cracks are found in locations in the slat drive shaft(s) other than those specified in McDonnell Douglas Service Bulletin 27–196, Revision 1 or 2; and Alert Service Bulletin A27–250, Revision 3; prior to further flight, replace or rework the cracked component(s) in a manner approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate.

(e) Replacement of both the actuator slat drive mechanism and the slat drive drum bellcrank shaft in accordance with Condition II of the following service bulletins, as applicable, constitutes terminating action for the requirements of this AD:

McDonnell Douglas service bulletin number	Revision level	Dated
27–196	Revision 1	September 28, 1984
	Revision 2	December 17, 1990
27–250	Original	August 29, 1984
	Revision 1	October 18, 1984
	Revision 2	January 3, 1990
A27–250	Revision 3	May 15, 1991

(f) Within 18 months after the effective date of this AD, replace the slat drive drum bellcrank shaft with a new drum shaft, P/N 5920212–505, in accordance with Condition II specified in McDonnell Douglas Alert Service Bulletin 27–250, Revision 3, dated May 15, 1991. Such replacement constitutes terminating action for the repetitive inspection requirements of paragraphs (b)(1) and (c)(1) of this AD.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

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

(i) Upon the request of an operator, an FAA Maintenance Inspector, subject to prior approval by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator

Issued in Renton, Washington, on December 16, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–30784 Filed 12–24–91, 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 122

RIN 1515–AA95

Proposed Amendments to the Customs Regulations Regarding International, Landing Rights and User Fee Airports

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations to set forth the circumstances in which permission to land at a landing rights airport may be denied or withdrawn and to set forth the circumstances in which status as a user fee airport may be terminated. The document also updates the list of designated user fee airports and proposes certain organizational or editorial changes to improve the layout of the present regulations insofar as they deal specifically with international airports, landing rights airports and user fee airports.

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

ADDRESSES: Written comments (preferably in triplicate) may be addressed to and inspected at the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Mike Lovejoy, Office of Inspection and Control (202–566–5607).

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1988, Customs at 53 FR 9285 published a final rule revising the air commerce regulations previously set forth as part 6 of the Customs Regulations (19 CFR part 6). The revised regulations, set forth as part 122 of the Customs Regulations (19 CFR part 122), among other things restructured the regulatory provisions concerning specific types or classes of airports at which aircraft could land when arriving from points outside the United States.

Subpart B of those regulations concerns international airports which are designated jointly by the Secretary of the Treasury or Commissioner of Customs (as a port of entry for aircraft and for merchandise carried thereon), by the Attorney General (as a port of entry for aliens), and by the Secretary of Health and Human Services (as a place for quarantine inspection). Section 122.34 of those regulations (set forth in subpart D, which is entitled "Landing Requirements") concerns landing rights airports which are currently defined in § 122.1(f) as airports, other than international airports, at which flights from a foreign area may be allowed to land. In addition, in order to implement section 236 of the Trade and Tariff Act of 1984 (Pub. L. 98–573), as amended (codified at 19 U.S.C. 58b), on March 31, 1988, Customs published at 53 FR 10370 a final rule amending part 122 by inserting in subpart D a new § 122.39 entitled "User fee airports." A user fee airport is specifically designated as such by the Commissioner of Customs based on a Memorandum of Agreement between the concerned airport authority and Customs and with the approval of the governor of the State in which the airport is located. Following such designation, flights from a foreign area may be granted permission to land there in lieu of landing at an international airport or at a landing rights airport. Thus, there are three types or classes of airports which serve as entry points for international air commerce under the Customs laws and regulations.

Section 122.12(a) provides that international airports are open to all aircraft for entry and clearance at no charge by Customs (however, certain arrival and related user fees must be paid to Customs under part 24 of the Customs Regulations). Thus, Customs is required to supply Customs personnel at an international airport, and all aircraft arriving from foreign points have a right to land there without first obtaining permission to land from Customs. Section 122.11(c) requires that each international airport provide, without cost to the Federal Government, proper office and other space for the sole use of Federal officials working at the airport as well as a suitable paved aircraft loading area convenient to that office space. Section 122.11(b) sets forth four reasons for which the designation as an international airport may be withdrawn, i.e., insufficient business to justify maintenance of inspection equipment and personnel, failure to provide or maintain proper facilities, failure to follow the rules and regulations of the Federal Government, or if another location would be more useful. The majority of designated international

airports are smaller municipal or regional airports. The use of the word "international" in the name of a large airport in the U.S. does not necessarily signify that the airport is an international airport within the meaning of the Customs Regulations.

Landing rights airports are not designated as such on an across-the-board basis for all aircraft arriving from foreign points. Rather, a landing rights airport becomes such by usage, *i.e.*, when Customs under § 122.34(a) specifically gives a party permission to land at an airport which has not been designated as an international airport or user fee airport. Such permission to land may be given on a one-time basis (*e.g.*, for a private aircraft or for a charter or other unscheduled flight) or on a recurring basis according to a fixed schedule submitted to and approved by Customs (e.g., in the case of a scheduled airline or charter operator). Under § 122.34(b), Customs is required to notify other interested Federal agencies when permission to land is given at a landing rights airport so that they may also perform their clearance or inspection duties, although in some cases those duties are performed by Customs officers cross-designated for that purpose. Unlike international airports, there is no provision in § 122.34 or elsewhere in the Customs Regulations which requires that landing rights airports provide office and other space to Customs and other Federal agencies. Such space has traditionally been provided to Customs and other Federal agencies by the airport authorities on a voluntary basis on the understanding that (1) the presence of Customs and other Federal officers at the airports operates essentially as a convenience to the aircraft, airport and surrounding community and (2) Customs could deny or revoke landing rights if the facilities for clearance and inspection were inadequate to ensure compliance with Federal law. Thus, a landing rights airport exists for the purpose of handling international traffic only to the extent that Customs and other interested agencies specifically determine that one or more international flights may land there. This determination is based in significant part on the willingness and ability of Customs and other Federal officers to staff the airport, on the availability of adequate facilities to enable those Federal officers to carry out their functions, and on the willingness of the airport users to defray part of the cost of the Customs presence there. Most of the major U.S. airports handling international traffic are, in fact, landing rights airports.

Section 122.34(c) states that the owner, operator or person in charge of the aircraft shall pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given, except in the case of scheduled aircraft of a scheduled airline where a charge may be made only for the overtime expenses of Customs officers. However, as a consequences of the imposition of user fees covered by part 24 of the Customs Regulations, these charges now must be paid only in the case of arrivals at locations outside the limits of a port of entry.

Section 122.39(a) states that the procedures for landing at a user fee airport are the same as those set forth in § 122.34 for landing rights airports. Section 122.39(b) sets forth a list of designated user fee airports. Although there are no other regulatory provisions which deal specifically with user fee airports, each memorandum of Agreement, under which each user fee airport is established, sets forth certain responsibilities of both Customs and the airport. For a flat fee paid by the airport (currently estimated at $73,350 for the first year of operation and $50,112 for the second year) to cover the salary and benefits costs of one full-time inspector, plus any related costs for travel, transportation, per diem and cost-of-living allowances, Customs agrees to provide 8 hours of service per day, Monday through Friday, for a total of 40 hours; however, the party requesting the Customs services is responsible for paying the full costs of any overtime services of Customs officers as determined under 19 U.S.C. 267. In addition to the payment of the above inspectional costs, each user fee airport agrees to provide, at no cost to Customs, sufficient office space, utilities, office furniture and equipment, including costs for installation and maintenance thereof. Each Memorandum of Agreement further provides that the agreement will continue in effect until terminated by either party, that either party may terminate the agreement upon 120 days written notice to the other party, and that the agreement will be automatically terminated if any amounts due under the agreement are not paid to Customs on a timely basis.

Customs believes that the current regulations regarding international, landing rights and user fee airports, as discussed above, could be significantly improved.

With regard to landing rights airports, Customs believes that the regulations should spell out the circumstances in which landing rights may be denied or withdrawn, both to protect the rights of the public against an arbitrary use of such action and to clarify that the existence of landing rights of an airport is always contingent upon both commercial need and the ability of Customs and other Federal agencies to ensure proper enforcement of the law. This regulatory change would not amount to a substantive change in present practice but would simply put landing rights airports on a regulatory footing more parallel to that of international airports for which the same general considerations, as reflected in the present regulations, apply.

As regards user fee airports, Customs believes that the regulations should set forth the circumstances in which a user fee airport designation may be withdrawn, as specified in the Memorandum of Agreement under which each user fee airport is established. Moreover, the regulations should be amended to reflect the fact that eleven additional user fee airports have been designated since the user fee airport provision was originally promulgated. The currently designated user fee airports, and the telephonic contacts for each for obtaining information regarding service, are as follows:

Airport	Contact
Natrona County International Airport, Casper, Wyoming.	Airport Authority, (307) 472-6688.
Rickenbacker Airport, Columbus, Ohio.	Chairman, Rickenbacker Airport, (614) 491-1401.
Santa Teresa Airport, Santa Teresa, New Mexico.	Airport Manager, (505) 589-1200.
Hector International Airport, Fargo, North Dakota.	Airport Authority. (701) 241-1501.
Southwest Florida Regional Airport, Fort Myers, Florida.	Chairman, Board of Lee County, (813) 768-1000.
Lebanon Municipal Airport, Lebanon, New Hampshire.	Director of Corporate Service, (603) 298-8878.
Allentown-Bethlehem-Easton Airport, Lehigh Valley, Pennsylvania.	Airport Director, (215) 264-2831
Midland International Airport, Midland, Texas.	Airport Authority, (915) 563-1460.
Airborne Air Park, Wilmington, Ohio.	Chairman, Airborne Express, (513) 382-5591
Fort Wayne-Allen County Airport, Fort Wayne, Indiana.	Airport Authority, (219) 747-4146.
Morristown Municipal Airport, Morristown, New Jersey.	Airport Authority, (201) 538-6400.
Jackson Municipal Airport, Jackson, Mississippi.	Airport Authority, (601) 939-5631

Airport	Contact
Greater Rockford Airport, Rockford, Illinois.	Airport Authority, (815) 965-8639.
Waukegan Regional Airport, Waukegan, Illinois.	Airport Authority, (708) 244-0055.
Kingsley Field, Klamath Falls, Oregon.	Board of County Commissioners, (503) 885-6350.
St. Paul Airport, St. Paul, Alaska.	Airport Authority, (907) 546-2331.
Bluegrass Airport, Lexington, Kentucky.	Airport Authority, (606) 254-9336.
Oakland-Pontiac Airport, Oakland, Michigan.	Airport Manager, (313) 666-3900.
Yakima Air Terminal, Yakima, Washington.	Airport Authority, (509) 575-6150.
Sanford Regional Airport, Sanford, Florida.	Airport Authority, (407) 322-7771.

Customs also believes that some organizational and editorial amendments should be made in part 122. It is noted in this regard that present §§ 122.34 and 122.39 concern principally the legal status or establishment of landing rights and user fee airports rather than "landing requirements" which is the title of subpart D; the remainder of the provisions in subpart D, on the other hand, are general provisions which apply equally to international landing rights and user fee airports. Accordingly, it would appear appropriate to transfer §§ 122.34 and 122.39 to subpart B which would be retitled to reflect its broader scope. Moreover, certain consequential and other editorial changes should be made to the existing texts within part 122. The proposed amendments are discussed in detail below.

Discussion of Proposed Amendments

Section 122.1 General Definitions

It is proposed to amend paragraph (f), which defines "landing rights airport", by inserting after "international airport" the words "or user fee airport". This change is necessary to clarify that landing rights airports do not include user fee airports which are established under totally separate statutory authority. It is noted in this regard that "user fee airport" is already separately defined in paragraph (m) of this section, which would also be amended by changing the reference to "§ 122.39" to reflect the proposed transfer of that section to subpart B.

Subpart B Classes of Airports

It is proposed to retitle subpart B (presently "International Airports") as "Classes of Airports" to reflect the broader scope resulting from the proposed transfer of present §§ 122.34 and 122.39 to this subpart.

Section 122.14 Landing Rights Airports

This proposed new section would be identical to present § 122.34 except that present paragraph (c) has been revised (simply to clarify that inspection charges are payable only when the arrival takes place outside a port of entry) and a new paragraph (d) has been added to set forth the circumstances in which landing rights may be denied or withdrawn. Proposed new paragraph (d) is primarily based on present § 122.11(b), which sets forth the four circumstances in which designation as an international airport may be withdrawn; new paragraphs (d)(2)–(5) are identical to §§ 122.11(b)(1)–(4). In addition, new paragraph (d)(1) has been included to refer to the unavailability of Federal Government personnel in sufficient numbers to perform clearance and inspection duties, in consideration of the fact that an adequate Federal presence is a prerequisite to both the initial and the continued granting of permission to land at a landing rights airport.

Section 122.15 User Fee Airports

This proposed new section replaces present § 122.39 but with amendments to present paragraphs (a) and (b) and with the addition of a new paragraph (c). The proposed amendment to paragraph (a) involves (1) replacing the word "landing" with the words "obtaining permission to land" to reflect the true content of present § 122.34(a) and (2) replacing the reference to "§ 122.34" to reflect the transfer of that section to subpart B. The proposed amendment to paragraph (b) involves updating the list of designated user fee airports. New paragraph (c), which has been added to set forth the circumstances in which designation as a user fee airport will be terminated, is based on the standard terms of the Memorandum of Agreement under which each user fee airport is designated and thus sets forth only two conditions: (1) If either Customs or the airport authority gives 120 days written notice of termination to the other party, and (2) if any amounts due to be paid to Customs are not paid on a timely basis. It should be noted that paragraph (c) states that the designation "shall" be terminated because each Memorandum of Agreement mandates termination of the agreement (and thus termination of user fee airport status) if either of these conditions arises.

Section 122.33 Place of First Landing

It is proposed to amend this section (1) to change the cross-reference to reflect the proposed renumbering of present §§ 122.34 and 122.39 and (2) to set forth the regulatory requirements in a clearer and more logical order. These changes do not affect the substance of the regulation.

Comments

Before adopting the proposed amendments, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Francis W. Foote, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 122

Customs duties and inspections, Imports, Air carriers, Air transportation, Aircraft, Airports.

Proposed Amendments to the Regulations

Accordingly, it is proposed to amend part 122, Customs Regulations (19 CFR part 122), as set forth below:

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for part 122 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1624, 1644, 49 U.S.C. App. 1509.

2. Section 122.1, paragraphs (f) and (m), are revised to read as follows:

§ 122.1 General definitions.

* * * * *

(f) *Landing rights airport.* A *landing rights airport* is any airport, other than an international airport or user fee airport, at which flights from a foreign area may be allowed to land.

* * * * *

(m) *User fee airport.* A *user fee airport* is an airport so designated by Customs and listed in § 122.15. Flights from a foreign area may be granted permission to land at a user fee airport rather than at an international airport or a landing rights airport.

3. The heading of Subpart B is revised to read as follows:

Subpart B—Classes of Airports

§§ 122.34 and 122.39 [Redesignated as §§ 122.14 and 122.15]

4. Sections 122.34 and 122.39 are redesignated as §§ 122.14 and 122.15 respectively in subpart B.

5. In newly redesignated § 122.14, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 122.14 Landing rights airports.

* * * * *

(c) *Payment of expenses.* In the case of an arrival at a location outside the limits of a port of entry, the owner, operator or person in charge of the aircraft shall pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given.

(d) *Denial or withdrawal of landing rights.* Permission to land at a landing rights airport may be denied or withdrawn for any of the following reasons:

(1) Federal Government personnel are no available in sufficient numbers to perform clearance and inspection duties;

(2) The amount of business clearing through the airport does not justify maintenance of inspection equipment and personnel;

(3) Proper facilities are not available at, or maintained by, the airport;

(4) The rules and regulations of the Federal Government are not followed; or

(5) Some other location would be more useful.

6. Newly redesignated § 122.15 is revised to read as follows:

§ 122.15 User fee airports.

(a) *Permission to land.* The procedures for obtaining permission to land at a user fee airport are the same procedures as those set forth in § 122.14 for landing rights airports.

(b) *List of user fee airports.* The following is a list of user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. Information concerning service at any of these airports can be obtained by calling the airport or its authority directly.

Location	Name
Casper, Wyoming	Natrona County International Airport.
Columbus, Ohio	Rickenbacker Airport.
Santa Teresa, New Mexico.	Santa Teresa Airport.
Fargo, North Dekota	Hector International Airport.
Fort Myers, Florida	Southwest Florida Regional Airport.
Lebanon, New Hempshire.	Lebanon Municipal Airport.
Lehigh Valley, Pennsylvania.	Allentown-Bethlehem-Easton Airport.
Midland, Texas	Midland International Airport.
Wilmington, Ohio	Airborne Air Park.
Fort Wayne, Indiana	Fort Wayne-Allen County Airport.
Morristown, New Jersey	Morristown Municipal Airport.
Jackson, Mississippi	Jackson Municipal Airport.
Rockford, Illinois	Greater Rockford Airport.
Waukegan, Illinois	Waukegan Regional Airport.
Klamath Falls, Oregon	Kingsley Field.
St. Paul, Alaska	St. Paul Airport.
Lexington, Kentucky	Bluegrass Airport.
Oakland, Michigan	Oakland-Pontiac Airport.
Yakima, Washington	Yakima Air Terminal.
Sanford, Florida	Sanford Regional Airport.

(c) *Withdrawal of designation.* The designation as a user fee airport shall be withdrawn under either of the following circumstances:

(1) If either Customs or the airport authority gives 120 days written notice of termination to the other party; or

(2) If any amounts due to be paid to Customs are not paid on a timely basis.

7. Section 122.33 is revised to read as follows:

§ 122.33 Place of first landing.

The first landing of an aircraft entering the U.S. from a foreign area shall be:

(a) At a designated international airport (see § 122.13);

(b) At a landing rights airport if permission to land has been granted (see § 122.14); or

(c) At a designated user fee airport if permission to land has been granted (see § 122.15).

Permission to land at a landing rights airport or user fee airport is not required for an emergency or forced landing (see § 122.35).

Approved: November 22, 1991.

Carol Hallett,

Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 91-30770 Filed 12-24-91; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 10

RIN 1215-AA 67

Claims for Compensation Under the Federal Employees' Compensation Act, as Amended

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Notice of proposed rulemaking; request for comment.

SUMMARY: The Secretary of Labor proposes to revise the regulations regarding the availability of lump-sum payments of compensation benefits under the Federal Employees' Compensation Act (FECA). The proposed rule sets forth the Secretary's determination that, in the exercise of discretion afforded the Secretary in section 8135(a), lump sum payments of compensation benefits will no longer be made except for payments of schedule awards. In making this determination, the Secretary has taken into consideration a number of factors, including: the fact that FECA is intended as income replacement, large lump sum payments of benefits are often detrimental to claimants and lump sum payments are not a fiscally responsible method of fulfilling the government's obligations under the FECA for wage-loss compensation. This rule also indicates that it will generally not be in the best interest of the claimant to make lump-sum payment of schedule award benefits where the schedule award is a substitute for lost wages.

DATES: Written comments must be submitted on or before February 10, 1992.

ADDRESSES: Send written comments to Thomas M. Markey, Director for Federal Employees' Compensation, Employment Standards Administration, U.S. Department of Labor, room S-3229, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210; Telephone (202) 523-7552.

FOR FURTHER INFORMATION CONTACT: Thomas M. Markey, Director for Federal

Employees' Compensation, Telephone (202) 523–7552.

SUPPLEMENTARY INFORMATION:

Introduction

The Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.*, is the workers' compensation law for Federal employees. The FECA provides a range of benefits for covered work-related injuries, including payment of wage loss compensation, schedule awards for permanent loss or loss of use of specified members of the body, and related medical costs.

FECA wage-loss benefits are paid where the injured employee is disabled. Benefits for temporary total disability are payable when a claimant is unable to work at all and partial benefits are payable if the claimant is able to perform some work but unable to earn the wages earned at the time of injury. A totally disabled employee receives 66⅔% or 75% (if there are dependents) of the salary earned as of the date of injury, with a partially disabled employee receiving an appropriate proportion of such benefits.

Schedule awards are available for a permanent loss or loss of use of a specified organ or member of the body, such as an arm, leg, eye or kidney. These benefits are paid in addition to (but not concurrently with) wage-loss benefits and are paid upon a medical determination that the condition is permanent and will not improve.

The Secretary of Labor is charged with adjudicating claims, administering the payment of benefits and deciding all questions arising under the FECA (see section 8145). Pursuant to statutory authority, the Secretary has delegated the adjudication and administrative responsibility to the Director of the Office of Workers' Compensation Programs (OWCP), which is part of the Department of Labor's Employment Standards Administration.

Compensation benefits are generally made through regular, periodic payments for as long as the disability remains. The statute also authorizes the Secretary to grant lump-sum payment of compensation benefits, but only where one of three statutory criteria have been met. Except in cases where the monthly payment is less than $50 or the individual is about to become a nonresident of the United States, a lump sum payment may not be made unless the Secretary determines that it is in the individual's best interest.

The discretionary authority regarding lump-sum payments which the statute gives the Secretary is very broad. It includes the discretion to determine, in the first instance, whether or not to fulfill the government's monetary obligations under the FECA through a lump-sum payment, since the statute authorizes but does not require such a form of payment. Of course, if the Secretary determines that a lump sum payment is otherwise appropriate, a determination must also be made whether one of the three statutory criteria have been met, since a lump-sum payment is prohibited where they have not been met.

In the past, the Secretary has, in exercising the discretion afforded by the statute, determined that every lump-sum request will be evaluated on a case-by-case basis and a determination made on the basis of whether a lump-sum payment would be in the beneficiary's best interest. Although all applications have in the past been considered, lump-sum payments have been granted only rarely over most of the life of the program. Nevertheless, neither the existing rule nor (until recently) the procedures reflected the limited extent to which lump-sum payments have been made. Moreover, the practice of considering every lump-sum request and deciding each on its own merits has required extensive (and sometimes expensive) preparation by a claimant.

Accordingly, the Secretary, in the exercise of the discretion granted by statute, has now determined that lump-sum payments of wage-loss benefits are not advantageous for the government, nor are they consistent with the primary purpose of workers' compensation and therefore will not be substituted for wage-loss benefits under any circumstances, except where such payments are required by statute (that is, where a surviving spouse entitled to compensation remarries before age 55). Since the Secretary has determined that the government will fulfill its obligation for wage-loss benefits by means of periodic rather than lump-sum payments, there is no need to exercise further discretion in an individual case.

The proposed rule thus establishes a simpler and more direct process which is consistent with the discretionary authority granted to the Secretary by the statute, and lessens the administrative burden on both claimants and the Department. By making it clear that lump-sum payments will not be made for wage-loss benefits, the proposed rule eliminates needless substantive development of a lump-sum application.

Where a claimant is entitled to a schedule award, however, the Secretary has determined that a request for a lump-sum payment will still be considered. The determination will be made on a case-by-case basis, using the statutory criterion of whether the payment would be in the best interest of the claimant. It will generally not be considered in the claimant's best interest to grant a lump sum where the individual depends on the schedule award as a substitute for wage-loss.

Background

The FECA's lump-sum provision, found at section 8135 (5 U.S.C. 8135) is consistent with most workers' compensation statutes. The lump-sum provision reads as follows:

(a) The liability of the United States for compensation to a beneficiary in the case of death or of permanent total or permanent partial disability may be discharged by a lump-sum payment equal to the present value of all future payments of compensation commuted at 4 percent true discount compounded annually if—

(1) The monthly payment to the beneficiary is less than $50 a month;

(2) The beneficiary is or is about to become a nonresident of the United States; or

(3) The Secretary of Labor determines that it is for the best interest of the beneficiary.

The probability of the death of the beneficiary before the expiration of the period during which he is entitled to compensation shall be determined according to the most current United States Life Tables, as developed by the United States Department of Health, Education and Welfare, which shall be updated from time to time, but the lump-sum payment to a widow or widower of the deceased employee may not exceed 60 months' compensation. The probability of the happening of any other contingency affecting the amount or duration of compensation shall be disregarded.

(b) On remarriage before reaching age 55 a widow or widower entitled to compensation under section 8133 of this title, shall be paid a lump sum equal to twenty-four times the monthly compensation payment (excluding compensation on account of another individual) to which he was entitled immediately before the marriage.

5 U.S.C. 8135

Legislative History

This first part of the lump sum section has remained essentially unchanged since the Federal Employees' Compensation Act (originally titled the Employees' Compensation Act) was first enacted in 1916. The FECA was the second workers' compensation law covering Federal employees. The first

such law, passed in 1908, quickly proved unsatisfactory. Several proposals for revamping the law were introduced in Congress in the years preceding passage of the FECA.

An early version of what was eventually to became the Federal Employees' Compensation Act was introduced in 1916 by Congressman Daniel McGillicuddy of Maine (H.R. 15316). The lump sum provision found at section 14, has remained essentially unchanged.[1] Although the legislative history of the FECA is extensive, very little mention is made of the lump-sum provision. Most of the discussion in testimony and in committee reports highlights the other changes contained in the bill, the most significant of which were the expansion of coverage, the increased benefits provided by the bill, and the creation of an independent Employees' Compensation Commission to administer the program and adjudicate claims.[2] The Employees' Compensation Act passed both houses of Congress and was signed into law on September 7, 1916.

The lump sum provision, although amended a few times, remains essentially the same. The most significant changes were made in 1966, when the existing language in this provision was redesignated as paragraph (a) and a new paragraph (b) was added, providing for a mandatory lump-sum payment of benefits equal to 24 months of compensation payment to widows or widowers who remarry before the age of 60 (this age was recently lowered to age 55 (see Pub. L. 101–303)). Title 5, United States code was also revised and recodified (Pub. L. 89–554; 80 stat. 378) in 1966; the lump sum provisions at section 14 became new section 8135 and the order of paragraph (a) was modified so that the last sentence was moved to the opening of the paragraph. The history of this recodification indicates that no substantive changes were intended by the rewriting. Like the history of the original lump sum provision, the respective legislative histories of these changes are very thin.

Agency Practice

As noted earlier, the longstanding administrative practice has been to make lump-sum payments only rarely. The Employees' Compensation Commission, which was the first agency charged with administering the 1916 Act, was reticent to make lump-sum payments from the beginning, as shown in its annual reports. The Commission reported in its First Annual Report that it was "* * * opposed to lump-sum settlement on principle, as likely to defeat the very purpose of the compensation act as against the best interests of the beneficiary in nearly all cases." (Report at p. 19). The Commission began to make lump-sum payments more frequently during the 1920's, although there is no discussion in the reports of how the decisions were made.[3] By 1929, however, the position again changed and payment of lump-sum benefits had virtually ceased. The Commission explained in its Fourteenth Annual Report that it had:

> * * *learned from experience that in the great majority of cases injured workmen have not sufficient experience to wisely use large sums of money. There is great danger that if such sums are granted they may be lost. It is considered that the safest and most effective means of affording relief to disabled employees is the payment of compensation in periodic installments. Accordingly, the commission's practice is to make lump-sum settlements only in very exceptional cases, where it is clearly demonstrated that such settlement will be for the best interest of the claimant.

Fourteenth Annual Report of the Employees' Compensation Commission, p. 51. (1930).

Succeeding administrators have consistently applied this principle, recognizing that the FECA is a wage-loss replacement system and a periodic payment is the most reliable method of wage replacement.

The Employees' Compensation Appeals Board (ECAB) was created in 1946, to review the decisions of the administrative body, called the Bureau of Employees Compensation.[4] ECAB decisions further illustrate how the lump-sum provisions have been interpreted. In *Manny Korn* (1 ECAB 78), the Board first addressed the lump sum issue, noting that section 14 of the FECA "*authorizes* payment in a lump sum of compensation for permanent disability if it should be determined that such a manner of payment is 'for the best interest of the beneficiary.' " (Emphasis added). That decision also concurred with the principle that the matter was an exercise of discretion, and its review of such determinations was limited to whether or not the decision constituted an abuse of discretion.

In a much later case (*Bruce Hickey*, 20 ECAB 253 (1969)), the Board emphasized that the Secretary's discretion extends beyond a determination of what is in the claimant's best interest. The case involved a denial of a request for a lump-sum payment from an individual who was moving out of the country, one of the three alternative reasons for which lump-sum payments are authorized. There is no requirement, however, for considering the claimant's best interest; the statute says merely that such a payment may be made when an individual is about to become a nonresident. The Bureau of Employees' Compensation denied the request and the claimant appealed to the Board, arguing that the statute mandated that lump sums be made when this event were about to occur. After noting that the legislative history is silent as to the intent of the non-resident provision on lump sums, the board stated:

> * * * giving ordinary words their ordinary meaning, the Board construes 5 U.S.C. 8135 (a)(2) as giving the Bureau discretion to grant or reject applications of claimants who are about to become nonresidents of the United States. The section specifically provides that a lump sum settlement "may" be paid under any of the 3 alternatives described there. The word "may" clearly implies discretion. * * * "

The Board accurately pointed out that the Department has complete discretion in determining whether or not to fulfill the government's obligations under the FECA through a lump-sum payment.

Statutory Discretion

While section 8135(a) merely authorizes lump-sum payments, while giving the Secretary broad discretion to

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[1] The language is almost identical to that which appears in many state workers' compensation laws, and apparently was based on prototypical language suggested by the American Association for Labor Legislation (AALL), a labor law reform group. Indeed, the legislative history indicates that the AALL actually drafted the McGillicuddy bill. See Federal Employees' Compensation Hearings before the Committee on the Judiciary, H.R., 63rd Cong., 2nd Sess., Serial 16—part 1, March 31, 1914; Cong. Rec.—House, 63rd Cong., 2nd Sess., 10485 (June 15, 1914); H.R. Rept No 476, 64th Cong., 2nd Sess. (January 28, 1916); Cong. Rec.—Senate, 64th Cong., 1st Sess., 12887–12888 (August 19, 1916).

[2] At the time the FECA was being considered, the 1908 workers' compensation law as administered by the Department of Labor. In 1946, pursuant to the Reorganization Act of 1945 (59 Stat. 613), the President proposed and the Congress approved Reorganization Plan No. 2 of 1946, which abolished the Employees' Compensation Commission and transferred its functions to the Federal Security Agency. By Reorganization Plan No. 19 of 1950, these functions were transferred to the Secretary of Labor. The reorganization plans were not intended to change the scope of authority transferred from one agency to a new one.

[3] The Sixth Annual Report of the Commission notes that lump sum payments were not broken out of the total benefits paid until 1920. In 1922, $415,000 in injury compensation benefits were paid in lump sums, out of a total of $1,565,340.

[4] Reorganization Plan No. 2 of 1946 abolished the United States Employees' Compensation Commission and transferred the functions to the Federal Security Agency. Reorganization Plan No. 19 of 1950 transferred the Bureau of Federal Employees' Compensation (now OWCP) and the ECAB to the Department of Labor.

determine whether to grant a request for lump-sum payments, the Secretary has until now chosen to exercise that discretion by deciding that each individual request should be reviewed. The Secretary, however, can exercise her very broad discretionary authority and decide not only whether a lump-sum payment is appropriate in a particular case, but also that no lump-sum payments will be made.

The United States Court of Appeals for the District of Columbia Circuit has held that similar language in the Trade Adjustment Assistance (TAA) provision of the Trade Act of 1974, should be read to authorize rather than require discretionary action. *International Union, UAW* v. *Dole*, 919F.2d 753 (DC Cir. 1990). The TAA authorizes states to pay benefits and recoup overpayments of benefits pursuant to regulations prescribed by the Secretary of Labor. Similar to the discretion granted under section 8135 of the FECA, the TAA provides that a state "may waive" an overpayment, and like the FECA, then goes on to specify the circumstances in which the states could exercise the discretionary authority to grant a waiver. 19 U.S.C. 2315(a)(1).

The Secretary of Labor interpreted the "may waive" provision as meaning waiver was a purely discretionary action which was available to the states, but that its use was not mandatory. Regulations were issued which provided, *inter alia*, that the states could refuse to entertain waiver applications at all. The rules were challenged by appellant UAW, which argued that the Secretary's interpretation of the "may waive" provision was contrary to the intent of Congress, and that the statutory language required states to at least consider waiver of an overpayment.

The court decided the question under the standard for review applicable to an administrative body's interpretation of a statute set out in the Supreme Court's decision in *Chevron USA, Inc.*, v. *Natural Resources Defense Council, Inc.*, 467 U.D. 837 (1984). Under this two-part test, a court first looks to see whether Congress had a clearly discernible intent on the precise question at issue; if so, the agency's interpretation must be consistent with that intent. Where Congress does not make its intention clear, however, then the court looks to see whether the agency's interpretation is "a permissible construction of the statute." *Chevron*, 467 U.S. at 842–43.

The court in *International Union* found the "may waiver" requirement was purely discretionary and that the Secretary's interpretation—that the states could simply choose not to waive such overpayments under any circumstances—was a permissible construction of the statute. In reaching this conclusion, the court found that the discretion granted under the statute included the authority not to perform the function at all.

Appellant argued that the states must consider waiver, and that where the criteria set forth were met, then the waiver must be granted. The court rejected that interpretation, noting that "merely listing waiver as one eventuality that would ward off a deduction does not come even close to suggesting that states are obliged to consider waiver requests." 919 F2d at 755. The court further stated that:

> Appellant's interpretation * * * puts an intolerable strain on the ordinary meaning of the text. Effectively, appellants read the word "may" as if it were "shall", despite the usual presumption that "may" confers discretion while "shall" imposes an obligation to act. 919 F.2d at 756.

In determining that section 8135(a) of the FECA merely authorizes but does not require granting lump-sum payments, the Department closely examined the legislative history to discern Congressional intent. As noted earlier, the history is largely silent on the lump-sum provision, and there is no clearly discernible Congressional intent indicating that the statutory language should not be read consistently with the "usual presumption." Is this then "a permissible construction of the statute?" *Chevron*, 467 U.S. at 842–43. The Secretary believes it is, given the wording of the statute, the general purpose of the FECA and the largely silent legislative history.

The purpose of workers' compensation is to provide a substitute for the wages lost because of an on-the-job injury. Regular, periodic payments, providing for cost-of-living increases safe from speculation or economic fluctuations and free from creditors, generally more nearly provide the measure of security that the Act was designed to afford. See *Garth M. Crosby*, 37 ECAB 228 (1985). The determination to end lump-sum payments for wage-loss compensation is thus consistent with the overall purpose of the statute.

The legislative history of the 1916 Act reveals that Congress was concerned with providing fair and equitable benefits to injured Federal employees. The history also shows that Congress charged the administrator with the responsibility to look out for the interest of the government, and also that Congress was concerned with the cost of the program. This proposed rule is consistent with all of these purposes.

Congress charged the new Commission to look out for the interests of the government. Under the FECA the administrator (now the Secretary) both adjudicates claims and administers the program. While an impartial adjudicator, the Department is not simply a neutral administrator in the same sense as in many states, where the benefit costs are met by insurance policies. The legislative history shows that the administrator is specifically charged with protecting the government's interest, including the government's financial interest. Commenting on the creation of the Employees' Compensation Commission, the House Report noted:

> It seemed (to the Committee) especially unwise to place the administration in the hands of the Department of Labor because that department in large measure represents * * * the side of labor, whereas the administrative body having charge of the proposed Act should represent, and should constantly be alert to safeguard, the interests of the Government. * * *
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> * * * * *
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> The Commission each year, therefore, will have not only to pass upon the claims received during the year but will be under the necessity of vigilantly watching the payment of compensation for injuries occurring in past years in order to protect the interests of the Government. * * *

H.R. Rept. No. 678, 64th Cong., 1st Sess. (May 11, 1916), p. 12. [5]

Although the history on the lump-sum provision itself is thin, the proposed rule is consistent with this clearly enunciated responsibility of the administrator to look out for the government's interest and with the expression of concern about cost.

Any interpretation of section 8135(a) which disregards the discretionary nature of lump sum awards would "put an intolerable strain on" the meaning of section 8135(a) by effectively defining "may" as "shall." Such an interpretation would be directly contrary to Congressional intent so clearly expressed.

Congress clearly knows the difference between the two words and how to direct an action where it wants to. This is amply illustrated within section 8135 itself, for when Congress amended this section in 1966 and added the new paragraph (b), it ensured that lump-sum payments would be made to widows or

[5] As for concern with costs, see for example, Federal Employees' Compensation Hearings before the Committee on the Judiciary. H.R., 63rd Cong., 2nd Sess., Serial 16—part 1, March 31, 1914. 13, 24–26; House Report No. 678 (May 11, 1916) at page 11.

widowers who remarried before a certain age (now 55) by directing that such lump-sums "shall be paid." Even when it so directed an action in section (b), it left alone the discretionary wording in paragraph (a). The reports of the Commission and the ECAB decisions made clear to Congress that lump-sum payments have been made only under exceptional circumstances; Congress chose not to change the discretionary authority of the Secretary. Nor did Congress make, or even consider, such a change when extensively amending the FECA in 1974.

Basis of the Determination

The Secretary has, based on the experience over the life of the program and the history related above, determined that benefits for wage loss will be made only in the form of periodic payments. Lump-sum payments will neither be made nor considered, and it will, thus, be unnecessary to exercise any further discretion beyond what is reflected in this rule.

As described earlier, in the past OWCP has considered every lump-sum application, examined each on its merits and made a determination strictly on the basis of whether such a payment would be in the "best interest of the beneficiary." Since this proposal to end consideration of lump-sum payments for wage-loss benefits represents a change in this practice, it is important that the principal reasons for this change be set forth.

Foremost among the reasons for the change is the reason expressed in the early Commission Reports quoted above: Regular, periodic payments most closely approximate the wages the benefits are designed to replace. This method most resembles the wages that an injured worker must forgo during the period of disability, even if that disability lasts a lifetime. The periodic payments are adjusted once a year to keep pace with cost-of-living and thus remain a viable, accurate approximation of the lost wages. This form of payment reasonably places the injured individual in the position he or she would be in but for the injury.

In addition to the equitable nature of regular payments, periodic payments made by the United States Treasury are secure. They are not subject to economic downtown, the uncertainties of investments or the abuses of fraud such as would be a lump-sum payments, no matter how generous. The early commission reports expressed deep concern with the danger presented by lump sums where individuals are disabled and thus not readily able to provide for their livelihood. Through error, waste or fraud a lump-sum payment might be lost and the disabled claimant would then have no recourse. The same concerns which motivated the commission to effectively end lump sum payments in the 1920's are valid today, for no source is as secure as the United States Treasury.

Such periodic payments are also consistent with government accounting and budgeting practices, while lump sum payments are directly counter to those practices. In addition, this proposed rule represents sound fiscal policy, since the cost of lump-sum payments is generally greater than periodic payments where interest rates are above four percent and the claimant does not live longer than the life tables project.

The Federal government budget process is based on a fiscal year. Obligations incurred in each year are generally met out of the Congressional appropriation to an agency for that year. Under the chargeback system, OWCP pays out of the Employees' Compensation Fund the costs of benefits paid under the FECA for each injured employee. With limited exceptions, the agencies pay that chargeback bill once a year out of the funds appropriated by Congress for that year, based on the bills previously charged by DOL. Each agency is appropriated a set amount of money to be used for specified purposes, including salaries and expenses. In practical terms, the dollars to pay the agency's workers' compensation costs through charges paid in their behalf by the Department of Labor (chargeback) come out of this account first. What is left over goes to pay the salaries and benefits to the other employees.

Compensation liability can vary. Chargeback bills, nevertheless, can generally be anticipated and normally provided for out of the appropriation since regular compensation benefits about equal the salary which would be paid if the employee had not been injured. Lump-sum payments, on the other hand, cannot be accounted for in the appropriation process with similar ease. If an agency receives a chargeback bill which reflects a lump sum payment, that agency's budget could be stretched beyond expected limits. Instead of the 20 to 30 thousand dollars which is the usual charge for each injury, the agency might have to absorb a lump-sum payment of several hundred thousand dollars in one year. Since many agencies now charge down to the lowest budgetary level the costs associated with the chargeback bill, a small office within an agency could see most of its entire salary and expense budget wiped out through one lump sum compensation payment which could not be readily absorbed. The result would be that another part of the budget for that agency would have to absorb the charge.

Another reason for ending the use of lump-sum payments, touched on earlier, is the added cost to the government which lump-sum payment represent. The statute provides that benefits paid in a lump sum may be discounted at a rate of four percent, while the cost to the government of borrowing the funds to make these payments has historically been much greater than this discount. While currently, the rates at which the government has had to borrow money has averaged around six percent for short term and eight percent for 30-year notes, over the past ten years, the average rate for 30-year Treasury bonds has been around 10 percent. By contrast, the yearly increase in benefit payments due to the cost-of-living adjustment has averaged around four percent since 1981. Simple math illustrates that borrowing money at a higher rate than the discount rate provided in the statute in order to make lump-sum payments is not a prudent method by which to fulfill the government's obligations under the Act.

This point is readily illustrated. An employee who is 57 years old (the average age of a FECA long-term roll recipient) and whose compensation benefits are $18,000, has an average life expectancy of 23 years (the average for both males and females). The lump-sum payment for that individual, calculated according to the formula established by law (23 x $18,000 discounted at four percent) would be $278,120. The cost to the government of borrowing that amount would be $789,861 at eight percent interest. By contrast, over life the claimant would receive a total of $659,121 in periodic payments (23 x $18,000, using a four percent cost-of-living rate). The difference between the amount which have to paid out over 23 years in periodic payments and the amount which would have to be paid in interest to borrow a lump-sum payment is $130,740, which represents the additional cost to the government of using a lump-sum payment to fulfill its obligations under the FECA. As this example illustrates, it would cost more for the government to make the lump-sum payment, unless the claimant exceeded his/her life expectancy. See the Appendix to this document which will not be codified in the Code of Federal Regulations (CFR).

Lump-Sum Payments of Schedule Awards Distinguished

Although the Secretary has determined that wage-loss benefit payments will not paid in a lump sum, payments of schedule awards may be made in this form where the schedule award is not a substitute for wage-loss. Section 8107 of the FECA provides compensation for permanent loss or loss of use of specified members and organs. The Act specifies the maximum awards for these benefits, expressed in numbers of weeks of benefits. The amount of an award where there is less than 100 percent loss is prorated, so that the award for 50 percent loss of use of the leg would be one-half the specified amount, or 144 weeks.

Schedule awards are paid for permanent loss or loss of use of a organ or body member. They are paid whether or not an individual becomes disabled—that is unable to earn the wages earned at the time of injury. An award is paid in addition to wage-loss benefits (but cannot be paid concurrently with such benefits) and is not therefore a wage substitute. A schedule award can be paid to individuals who have returned to work, or have retired and are receiving an Office of Personnel Management (OPM) annunity, and therefore have not wage loss. In such instances, the individual might not be dependent upon the schedule award for basic living expenses and so there might not be a need for periodic payments.

The consideration underlying the Secretary's determination not to grant lump-sum awards generally simply does not apply to schedule awards. Schedule awards are in part distinguishable from wage-loss benefits because they most often cover a short period of time. The average period of an award is 20.54 months, much less than the 20 or 30 years often involved in a lump sum in wage-loss claims. Given this shorter period, the amount of the award is much smaller. Keeping in mind that periodic payments of schedule awards are eligible for cost-of-living increases, and that the cost of short-term borrowing is lower, the difference in cost to the government between lump sums and periodic payments is minimized. When the administrative costs saved by not processing checks on a monthly basis are included, the difference in cost to the government is in most cases negligible.

In addition, the budget impact on individual agencies is not as severe as with the large lump-sum payments associated with wage-loss benefits. The cost of benefits paid by OWCP is charged back to agencies at the end of the year. Since many of the awards are for periods of a year or less, the amount each agency would have to absorb during that year would be the same. Even for the average 20 month schedule award, the amount the agency would have to absorb for a lump sum would not be so significantly different as would the hundreds of thousands of dollars which have to be absorbed for wage-loss lump sums.

Lump-sum payments will not be automatic, however, and no claimant has an absolute right to such a payment. While schedule awards may still be paid in a lump sum, the Secretary must still determine in every case whether such a payment would be in the beneficiary's best interest. OWCP practice and ECAB decisions over the years provide insight into what criteria are to used be in making this determination. In general, as provided in the proposed rules, it is not in the claimant's best interest to receive a lump sum where the schedule award payments are relied upon by the claimant as a substitute for lost wages. Thus, lump sums may be considered where, for example, an individual has returned to work (and there does not appear a likelihood that a disability will recur), or where the individual is eligible for OPM benefits which would be at a level which could provide for the basic living expenses. The lump sum would not then be relied on as a substitute for the wages lost because of the injury and the regular, periodic payment would not be necessary. As noted above, periodic payments, providing for cost-of-living increases safe from speculation or economic fluctuations and free from creditors, generally more nearly provide the measure of security which the Act was designed to afford. See *Garth M. Crosby*, 37 ECAB 228 (1985).

Cost Benefit Analysis

The rule should bring no additional costs to the government. The benefits prescribed by the FECA must be paid where appropriate. By making clear that lump-sum payment of wage loss benefits will not be considered, considerable administrative savings may be expected.

Classification—Executive Order 12291

The Department of Labor has concluded that the regulatory proposal does not constitute a "major rule" under Executive Order 12291, because it is unlikely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost 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 the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The rule applies only to Federal employees, their families and the Federal agencies which employ them. Accordingly, no regulatory analysis is required.

Paperwork Reduction Act

None.

Regulatory Flexibility Act

The Department believes that the rule will have "no significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Public Law 96–354, 91 stat. 1164 (5 U.S.C. 605(b)). The proposed regulations apply primarily to Federal agencies and their employees. No additional burdens are being imposed on small entities. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory impact analysis is required.

List of Subjects in 20 CFR Part 10

Claims, Government employees, Archives and records, Health records, Freedom of Information, Privacy, Penalties, Health profession, Workers' compensation, Employment, Administrative practices and procedures, Wages, Health facilities, Dental health, Medical devices, Health care, Lawyers, Legal services, Student, X-rays, Labor, Insurance, Kidney disease, Lung diseases, and Tort claims.

For the reasons set out in the preamble, it is proposed that part 10 of chapter I of title 20 of the Code of Federal Regulations be amended as follows:

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

1. The authority citation for 20 CFR part 10 continues to read as follows:

Authority: 5 U.S.C. 301; Reorg. Plan No. 6 of 1950, 15 FR 3174, 64 stat. 1263; 5 U.S.C. 8145, 8149; Secretary's Order 1–89; Employment Standards Order 90–02.

2. Section 10.311 is revised to read as follows:

§ 10.311 Lump sum awards.

(a) In exercise of the discretion afforded by section 8135(a), and taking into consideration among other factors:

(1) The fact that FECA is intended as a wage-loss replacement program;

(2) The general advisability that such benefits be provided on a periodic basis; and

(3) The high cost associated with the long-term borrowing that is necessary to pay out large lump sums, the Director has determined that lump-sum payments will no longer be made to individuals whose injury in the performance of duty as a federal employee has resulted in a loss of wage-earning capacity.

Accordingly, where applications for lump-sum payments for wage-loss benefits under section 8105 and 8106 are received, the Director will not exercise further discretion in the matter.

(b) Notwithstanding the determination set forth in paragraph (a) of this section, a lump sum payment may be made to a claimant whose injury entitles him or her to a schedule award under section 8107. Even under these circumstances, a claimant possesses no absolute right to a lump-sum payment of benefits payable under section 8107, and such a payment may be granted only where the Director determines, acting within his or her discretion, that such a payment is in the claimant's best interest. Lump-sum payments of schedule awards generally will not be considered in the claimant's best interest where the compensation payments are relied upon by the claimant as a substitute for lost wages.

(c) On remarriage before age 55, a surviving spouse entitled to compensation under 5 U.S.C. 8133, shall be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation payable on account of another individual) to which the surviving spouse was entitled immediately before the remarriage.

Signed at Washington, DC, this 19th day of December 1991.

Lynn Martin

Secretary of Labor.

APPENDIX

[Not to be codified in the CFR]

Number	Lump sum value for $24,000 salary at ¾ rate	Cost of borrowing funds at 8% interest	Cumulative compensation	Annual comp w/4% CPIs
1	$18,000.00	$19,440.00	$18,000.00	$18,000.00
2	35,307.69	40,956.92	36,720.00	18,720.00
3	51,949.70	64,417.63	56,188.80	19,468.80
4	67,951.64	89,696.16	76,436.35	20,247.55
5	83,338.11	116,673.36	97,493.81	21,057.45
6	98,132.80	145,236.55	119,393.56	21,899.75
7	112,358.46	175,279.20	142,169.30	22,775.74
8	126,036.98	206,700.65	165,856.07	23,686.77
9	139,189.41	239,405.78	190,490.32	24,634.24
10	151,835.97	273,304.74	216,109.93	25,619.61
11	163,996.12	308,312.71	242,754.33	26,644.40
12	175,688.58	344,349.62	270,464.50	27,710.17
13	186,931.33	381,339.91	299,283.08	28,818.58
14	197,741.66	419,212.32	329,254.40	29,971.32
15	208,136.21	457,899.67	360,424.58	31,170.18
16	218,130.97	497,338.62	392,841.56	32,416.98
17	227,741.32	537,469.52	426,555.22	33,713.66
18	236,982.04	578,236.18	461,617.43	35,062.21
19	245,867.35	619,585.71	498,082.13	36,464.70
20	254,410.91	661,468.36	536,005.41	37,923.29
21	262,625.87	703,837.34	575,445.63	39,440.22
22	270,524.88	746,648.67	616,463.46	41,017.83
23	278,120.08	789,861.02	659,121.99	42,658.54
24	285,423.15	833,435.60	703,486.87	44,364.88
25	292,445.34	877,336.01	749,626.35	46,139.47
26	299,197.44	921,528.11	797,611.40	47,985.05
27	305,689.85	965,979.91	847,515.86	49,904.46
28	311,932.54	1,010,661.44	899,416.49	51,900.63
29	317,935.14	1,055,544.66	953,393.15	53,976.66
30	323,706.86	1,100,603.34	1,009,528.88	56,135.73
31	329,256.60	1,145,812.97	1,067,910.03	58,381.16
32	334,592.86	1,191,150.67	1,128,626.44	60,716.40
33	339,723.93	1,236,595.09	1,191,771.49	63,145.06
34	344,657.62	1,282,126.35	1,257,442.35	65,670.86
35	349,401.56	1,327,725.93	1,325,740.05	68,297.69
36	353,963.04	1,373,376.59	1,396,769.65	71,029.60
37	358,349.06	1,419,062.34	1,470,640.44	73,870.79
38	362,566.42	1,464,768.33	1,547,466.05	76,825.62
39	366,621.56	1,510,480.81	1,627,364.69	79,898.64
40	370,520.73	1,556,187.05	1,710,459.28	83,094.59
41	374,269.93	1,601,875.30	1,796,877.65	86,418.37
42	377,874.93	1,647,534.71	1,886,752.76	89,875.11
43	381,341.28	1,693,155.29	1,980,222.87	93,470.11
44	384,674.31	1,738,727.88	2,077,431.79	97,208.91
45	387,879.14	1,784,244.06	2,178,529.06	101,097.27
46	390,960.71	1,829,696.14	2,283,670.22	105,141.16
47	393,923.76	1,875,077.12	2,393,017.03	109,346.81
48	396,772.85	1,920,380.59	2,506,737.71	113,720.68
49	399,512.36	1,965,600.79	2,625,007.22	118,269.51
50	402,146.50	2,010,732.48	2,748,007.51	123,000.29

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 83

RIN 3067-AB67

Federal Crime Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: proposed rule; correction and extension of comment period.

SUMMARY: This correction to a proposed rule published on November 15, 1991, relates to the Federal Crime Insurance Program (FCIP) rate tables which apply to commercial properties located in eligible states that are set forth in § 83.25(e).

DATES: The comment period for the proposed rule is extended. Comments must be received on or before February 24, 1992.

ADDRESSES: Persons wishing to comment should submit comments in duplicate to the Rule Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472. Telephone Number: (202) 646-4107.

FOR FURTHER INFORMATION CONTACT: Kimber A. Wald, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472. Telephone Number (202) 646-3440.

SUPPLEMEMENTARY INFORMATION: On November 15, 1991, the Federal Emergency Management Agency (FEMA) published a proposed rule (56 FR 58019-58020) with the intent of revising the Federal Crime Insurance Program (FCIP) rate tables which apply to commercial properties located in eligible states. However, the amendatory language was incorrect and the revised tables were not shown. Accordingly, in FR Doc. 91-26128, appearing on pages 58019-58020 in the issue of November 15, 1991, the following corrections are made:

1. On page 58019 in the third column, the SUMMARY: section should read "This proposed rule revises the Federal Crime Insurance Program (FCIP) rates which apply to commercial properties located in eligible states. This proposed rule is necessary to offset heavy losses under commercial coverage and the higher-than-average administrative expenses associated with operating a single-line residual market program.".

2. On page 58020 in the first column, in the first paragraph the word "proposed" should appear after the word "These" and before the word "amendments".

3. On page 58020 in the last paragraph of the first column, the word "final" should be changed to the word "proposed".

4. On page 58020 in the second column, amendatory instructions no. 2 and the regulatory text following it should be corrected to read as follows:

2. Section 83.25 is proposed to be amended by revising paragraph (e) to read as follows:

§ 83.25 Commercial crime insurance rates.

* * * * *

(e) The following tables shall be used to determine rates for commercial risks:

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991

[Annual Premiums—Class 1]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	90	137	135	206	135	206	180	274	225	343	360	548
2,000	165	245	247	368	247	368	329	490	412	613	659	981
3,000	239	353	359	530	359	530	479	707	599	884	958	1414
4,000	309	452	463	678	463	678	617	904	772	1130	1235	1808
5,000	351	511	527	767	527	767	702	1022	878	1278	1404	2044
6,000	383	562	575	843	575	843	767	1123	959	1404	1534	2247
7,000	403	596	605	894	605	894	806	1192	1008	1490	1613	2384
8,000	421	633	632	949	632	949	842	1266	1053	1582	1685	2532
9,000	428	644	643	966	643	966	857	1286	1071	1610	1714	2576
10,000	441	669	661	1003	661	1003	882	1337	1102	1671	1764	2674
11,000	474	729	711	1093	711	1093	949	1458	1186	1822	1897	2915
12,000	500	778	749	1167	747	1167	999	1556	1249	1945	1998	3113
13,000	511	801	767	1202	767	1202	1022	1603	1278	2004	2045	3206
14,000	518	814	776	1221	776	1221	1035	1628	1294	2034	2070	3255
15,000	525	826	787	1239	787	1239	1049	1652	1312	2065	2099	3304

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991

[Annual Premiums—Class 2]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	108	164	162	246	152	247	216	329	270	411	432	658
2,000	198	294	296	441	296	441	395	589	494	736	791	1177
3,000	287	424	431	636	431	636	575	848	718	1060	1149	1697

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991—Continued

[Annual Premiums—Class 2]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
4,000	370	543	556	814	556	814	741	1085	926	1356	1482	2170
5,000	421	613	632	920	632	920	842	1226	1053	1533	1685	2453
6,000	460	674	690	1011	690	1011	920	1348	1150	1685	1840	2696
7,000	484	715	726	1073	726	1073	968	1430	1210	1788	1935	2861
8,000	505	760	758	1139	758	1139	1011	1519	1264	1899	2022	3038
9,000	514	773	771	1159	771	1159	1028	1545	1285	1932	2056	3091
10,000	529	802	794	1203	794	1203	1058	1605	1323	2006	2117	3209
11,000	569	875	854	1312	854	1312	1138	1749	1423	2187	2277	3498
12,000	599	934	899	1401	899	1401	1199	1868	1499	2334	2398	3735
13,000	613	962	920	1443	920	1443	1227	1923	1534	2404	2454	3847
14,000	612	977	932	1465	932	1465	1242	1953	1553	2441	2484	3906
15,000	630	991	944	1487	944	1487	1259	1983	1574	2478	2519	3965

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or vrying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991

[Annual Premiums—Class 3]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	121	171	182	257	182	257	243	343	304	428	486	685
2,000	222	307	334	460	334	460	445	613	556	766	889	1226
3,000	323	442	485	663	485	663	646	884	808	1105	1293	1767
4,000	417	565	625	848	625	848	833	1130	1042	1413	1667	2261
5,000	474	639	711	958	711	958	948	1278	1185	1597	1895	2555
6,000	518	702	776	1053	776	1053	1035	1404	1294	1755	2070	2809
7,000	544	745	816	1117	816	1117	1089	1490	1361	1862	2177	2980
8,000	569	791	853	1187	853	1187	1137	1582	1422	1978	2274	3165
9,000	578	805	868	1207	868	1207	1157	1620	1446	2012	2313	3220
10,000	595	836	893	1254	893	1254	1191	1671	1488	2089	2381	3343
11,000	640	911	960	1367	960	1367	1281	1822	1601	2278	2561	3644
12,000	674	973	1011	1459	1011	1459	1349	1945	1686	2432	2697	3891
13,000	690	1002	1035	1503	1035	1503	1380	2004	1725	2505	2760	4007
14,000	699	1017	1048	1526	1048	1526	1397	2034	1747	2543	2794	4069
15,000	708	1033	1063	1549	1063	1549	1417	2065	1771	2582	2833	4131

Option 1: Burglary only.
Option 2:Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses wih alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991

[Annual Premiums—Class 4]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	131	178	196	267	196	267	261	356	326	445	522	712
2,000	239	319	358	478	358	478	478	638	597	797	955	1275
3,000	347	459	521	689	521	689	694	919	868	1149	1389	1838
4,000	448	588	671	882	671	882	895	1175	1119	1469	1790	2351
5,000	509	664	763	996	763	996	1018	1329	1272	1661	2036	2657
6,000	556	730	834	1095	834	1095	1112	1460	1390	1826	2224	2921
7,000	585	775	877	1162	877	1162	1169	1549	1462	1937	2339	3099
8,000	611	823	916	1234	916	1234	1221	1646	1527	2057	2443	3291
9,000	621	837	932	1256	932	1256	1242	1674	1553	2093	2485	3348

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991—Continued

[Annual Premiums—Class 4]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
10,000	639	869	959	1304	959	1304	1279	1738	1599	2173	2558	3477
11,000	688	947	1032	1421	1032	1421	1375	1895	1719	2369	2751	3790
12,000	724	1012	1086	1517	1086	1517	1449	2023	1811	2529	2897	4046
13,000	741	1042	1112	1563	1112	1563	1482	2084	1853	2605	2965	4168
14,000	750	1058	1126	1587	1126	1587	1501	2116	1876	2645	3002	4232
15,000	761	1074	1141	1611	1141	1611	1522	2148	1902	2685	3043	4296

Option 1. Burglary only.
Option 2. Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991

[Annual Premiums—Class 5]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	135	185	203	277	203	277	270	370	338	462	540	740
2,000	247	331	371	497	371	497	494	662	618	828	988	1324
3,000	359	477	539	716	539	716	718	954	898	1193	1436	1909
4,000	463	610	695	916	695	916	926	1221	1158	1526	1852	2441
5,000	527	690	790	1035	790	1035	1053	1380	1316	1725	2106	2759
6,000	575	758	863	1137	863	1137	1150	1517	1438	1896	2300	3033
7,000	605	805	907	1207	907	1207	1210	1609	1512	2011	2419	3218
8,000	632	854	948	1282	948	1282	1264	1709	1580	2136	2527	3418
9,000	643	869	964	1304	964	1304	1285	1739	1607	2173	2570	3477
0,000	662	903	992	1354	992	1354	1323	1805	1654	2256	2646	3610
11,000	711	984	1067	1476	1067	1476	1423	1968	1779	2460	2846	3936
12,000	749	1051	1124	1576	1124	1576	1499	2101	1873	2626	2997	4202
13,000	767	1082	1150	1623	1150	1623	1534	2164	1917	2705	3067	4328
14,000	776	1099	1164	1648	1164	1648	1553	2197	1941	2747	3105	4394
15,000	787	1115	1181	1673	1181	1673	1574	2230	1968	2788	3148	4461

Option 1. Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991

[Annual Premiums—Class 6]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	177	190	266	285	266	285	354	379	443	474	709	759
2,000	324	340	486	509	486	509	649	679	811	849	1297	1359
3,000	471	490	707	734	707	734	943	979	1178	1224	1886	1958
4,000	608	626	912	939	912	939	1216	1252	1520	1565	2431	2505
5,000	691	708	1037	1062	1037	1062	1382	1415	1728	1769	2764	2831
6,000	755	778	1132	1167	1132	1167	1510	1556	1887	1945	3020	3112
7,000	794	825	1191	1238	1191	1238	1588	1651	1985	2063	3176	3302
8,000	829	877	1244	1315	1244	1315	1659	1753	2073	2192	3317	3506
9,000	844	892	1265	1338	1265	1338	1687	1784	2109	2230	3374	3567
10,000	868	926	1302	1389	1302	1389	1737	1852	2171	2315	3473	3704
11,000	934	1009	1401	1514	1401	1514	1868	2019	2335	2524	3736	4038
12,000	984	1078	1475	1617	1475	1617	1967	2156	2459	2694	3934	4311
13,000	1007	1110	1510	1665	1510	1665	2013	2220	2516	2775	4026	4440
14,000	1019	1127	1528	1691	1528	1691	2038	2254	2547	2818	4076	4508

Federal Crime Insurance Program, Commercial Crime Insurance Rates—1991—Continued

[Annual Premiums—Class 6]

Amount of insurance	Gross receipts											
	Less than $100,000, option		$100,000 to $199,999, option		$200,000 to $299,999, option		$300,000 to $499,999, option		$500,000 to $999,999, option		$1,000,000 or greater, option	
	1	2	1	2	1	2	1	2	1	2	1	2
15,000	1033	1144	1550	1716	1550	1716	2066	2288	2583	2860	4133	4577

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

* * * * *

Dated: December 12, 1991.

C. M. "Bud" Schauerte,

Federal Insurance Administrator.

[FR Doc. 91-30678 Filed 12-24-91; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL MARITIME COMMISSION

46 CFR Part 552

[Docket No. 91-51]

Financial Reports of Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Advance Notice of Proposed Rulemaking; extension of time for comments.

SUMMARY: On November 8, 1991, the Federal Maritime Commission published (56 FR 57298) an Advance Notice of Proposed Rulemaking soliciting comments and information from the public on the issues which should be addressed in a proposed rule concerning substantive guidelines for determining what constitutes a just and reasonable rate of return or profit for common carriers by water in the FMC-regulated portion of the domestic offshore trades. Time for filing comments was set at January 7, 1992. The Puerto Rico Maritime Shipping Authority has requested an extension of time for filing comments to February 21, 1992. The Commission determined to grant the request.

DATE: Comments (original and 15 copies) due on or before February 21, 1992.

ADDRESSES: Comments are to be submitted to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Austin L. Schmitt, Director, Bureau of Trade Monitoring and Analysis, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5787.

By the Commission.[1]

Joseph C. Polking,

Secretary.

[FR Doc. 91-30803 Filed 12-24-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-651; RM-7544]

Radio Broadcasting Services; Bald Knob and Clarendon, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of.

SUMMARY: This document denies a petition filed by Capps Rado Company, licensee of Station KKSY(FM), Channel 296A, Bald Knob, Arkansas, seeking the substitution of Channel 296C3 for Channel 296A and modification of its license accordingly, for failure to demonstrate that its proposal would provide an unobstructed 70 dBu signal from its specified transmitter location over the entire principal community of license, as required by § 73.315 of the Commission's Rules. Petitioner also requested the substitution of Channel 281A for Channel 296A at Clarendon, Arkansas, for which a permit has been issued to B and H Broadcasting Company for Station KXRC(FM), to accommodate the Bald Knob proposal. See 56 FR 2486, January 23, 1991. With this action, this proceeding is terminated.

DATES: This proceeding is terminated February 3, 1992.

[1] Chairman Koch and Commissioner Hsu would deny the request.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-651, adopted December 11, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-30729 Filed 12-24-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-373; RM-7287]

Radio Broadcasting Services; Cusseta, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of.

SUMMARY: This document denies the request of Gary P. Albarez proposing the allotment of Channel 267A to Cusseta, Georgia, as the community's first local FM service. Albarez's petition is denied because there is no transmitter site available for Channel 267A at Cusseta. With this action, this proceeding is terminated.

DATES: This proceeding is terminated February 3, 1992.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–373, adopted December 11, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal businsss hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91–30730 Filed 12–24–91; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 56, No. 248
Thursday, December 26, 1991

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

DEPARTMENT OF AGRICULTURE

Forest Service

Big Valley Federal Sustained Yield Unit; Public Advisory Hearing

The Modoc National Forest will sponsor two public advisory hearings at 2 PM and again at 7 PM on Tuesday, January 21, 1992 at the Adin Community Hall in Adin, California. The purpose of the public advisory hearings are to consider the advantages and/or disadvantages of the Big Valley Federal Sustained Yield Unit in the light of a reduction of more than 20 percent in the potential yield (Allowable Sale Quantity).

The public is invited to attend the hearing to obtain further information and/or to participate by giving advisory testimony. Written comments will be accepted from the date of hearing through March 6, 1992.

Dated: December 17, 1991.

Douglas G. Smith,

Forest Supervisor.

[FR Doc. 91-30738 Filed 12-24-91, 8:45 am]

BILLING CODE 3410-11-M

APPALACHIAN REGIONAL COMMISSION

Agency Form Under Review by the Office of Management and Budget

The Appalachian Regional Commission (ARC) 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, section 3504(h) (44 U.S.C. chapter 35).

Agency: Office of Inspector General, Appalachian Regional Commission.

Title: President's Council on Integrity and Efficiency (PCIE) Survey on How to Improve the Single Audit Process.

Form Number: ARC-OIG-1.

Type of Request: Initial collection of information.

Burden: 425 respondents; 850 reporting hours.

Average Time Per Response: 2 hours.

Needs and Uses: The survey collects information on the Single Audit process and potential areas for improving the efficiency and effectiveness of audits of Federal financial assistance provided to State and local governments.

Affected Public: State and local governmental units, State auditors, and independent public accountants.

Frequency: One time.

Respondents Obligation: Voluntary.

Copies of the above information collection proposal can be obtained by calling or writing Terry Livingston, (816) 891-7981, Office of Inspector General, Department of Education, 10220 N. Executive Hills Boulevard, 2nd floor, Kansas City, MO 64153.

Written comments and recommendations for the proposed information collection should be sent to Office of Information and Regulatory Affairs of OMB, attention: Desk Officer for Appalachian Regional Commission, Office of Management and Budget, Washington, DC 20503.

Dated: December 17, 1991.

Hubert N. Sparks,

Certifying Officer, Office of Inspector General.

[FR Doc. 91-30741 Filed 12-24-91; 8:45 am]

BILLING CODE 6130-01-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

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

Agency: National Oceanic and Atmospheric Administration.

Title: South Pacific Tuna Act of 1988.

Form Number: No form numbers; OMB-0648-0218.

Type of Request: Request for extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Burden: 40 respondents; 290 reporting hours; average hours per response—.73 hours.

Needs and Uses: The U.S. government, in order to meet its obligations under a Treaty on Fisheries Between the Governments of Certain Pacific Island States and the United States of America, is required to collect fish catch and vessel logbook information from masters of participating U.S. tuna purse seine vessels.

Affected Public: Businesses or other for-profit, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ronald Minsk, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, 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 Ronald Minsk, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: December 19, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91-30846 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

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

Agency: National Oceanic and Atmospheric Administration.

Title: Licensing of Private Remote Sensing Space Systems.

Form Number: No form; OMB 0648-0174.

Type of Request: Request for extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Burden: 1 respondents; 16 reporting. hours; average hours per response—16 hours.

Needs and Uses: Persons under U.S. jurisdiction who wish to operate a private remote-sensing space systems must obtain a license. The information provided in the application is used to determine if U.S. security and international obligations are protected, and that the applicant will provide access to unenhanced data on a nondiscriminatory basis.

Affected Public: Businesses or other for-profit, Federal agencies or employees.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Ronald Minsk, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, 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 Ronald Minsk, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: December 19, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91–30847 Filed 12–24–91; 8:45 am]

BILLING CODE 3510–CW–M

Agency Form Under Review by the Office of Management and Budget (OMB)

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

Agency: Bureau of the Census.

Title: Administrative Record Information System (ARIS)—State and Selected Local Data.

Form Number(s): ARIS–1.

Agency Approval Number: None.

Type of Request: New Collection.

Burden: 443.

Number of Respondents: 443.

Avg Hours Per Response: 1 hour.

Needs and Uses: The Program and Policy Development Office maintains an Administrative Records Information System (ARIS) database which contains information on Federal administrative records systems. This data collection will expand the ARIS database to include the following state and local administrative records systems: drivers licenses, food stamps, automobile registration, birth records, death records, state tax records, unemployment insurance records, workers compensation records, medical assistance records, energy and other supplemental welfare programs, school enrollment records, property tax records, and property assessment records. The ARIS database will be used by Census Bureau personnel to research activities related to the Year 2000 census and other Census programs.

Affected Public: State or local governments.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, 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: December 20, 1991.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 91–30856 Filed 12–24–91; 8:45 am]

BILLING CODE 3510–07–F

Bureau of the Census

[Docket No. 911209–1309]

Motor Freight Transportation and Warehousing Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: In accordance with title 13, United States Code, sections 131, 182, 244, and 225, I have determined that 1991 operating revenue and expenses are needed for the for-hire trucking and public warehousing industries to provide a sound statistical basis for the formation of policy by various governmental agencies and that these data also apply to a variety of public and business needs. Effective with the 1991 survey, this program will provide data for additional categories of operating expenses. These include, for all firms, a breakout of employer contributions to legally required and other employee benefit plans; for trucking firms, data on the cost of drug and alcohol testing and rehabilitation programs; and for warehousing firms, data on taxes and licenses, and the cost of insurance. The data are not publicly available from nongovernment or other governmental sources.

ADDRESSES: Director, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Thomas E. Zabelsky on (301) 763–5528.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to take surveys necessary to furnish current data on subjects covered by the major censuses authorized by title 13, United States Code. This survey will provide continuing and timely national statistical data on motor freight transportation and warehousing services for the period between economic censuses. The next economic census will be conducted for 1992. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses. The Census Bureau will select a probability sample of trucking and warehousing firms in the United States (with revenue size determining the probability of selection) to report in the 1991 Motor Freight Transportation and Warehousing Survey. The sample will provide, with measurable reliability, national level statistics on operating revenue and expenses for these industries. We will mail report forms to the firms covered by this survey and require their submission within 30 days after receipt.

This survey has been submitted to the Office of Management and Budget, in accordance with the Paperwork Reduction Act, Public law 96–511, as amended. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, DC 20233. Based upon the foregoing determination, I have directed that an annual survey be conducted for the purpose of collecting these date.

Dated: December 18, 1991.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 91–30839 Filed 12–24–91; 8:45 am]

BILLING CODE 3510–07–M

[Docket No. 911208–1308]

Service Annual Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: In accordance with title 13, United States Code, sections 131, 182,

224, and 225, I have determined that 1991 service sector data on receipts and revenue are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and that these data also apply to a variety of public and business needs. Selected services include personal, business, automotive, repair, amusement, health, and other professional and social service industries. This survey will yield 1991 and 1990 estimates of the dollar volume of receipts for taxable firms and revenue of firms and organizations exempt from Federal income taxes. Effective with the 1991 survey, this program also will provide data on major sources of receipts for computer and data processing services, management and consulting services, equipment rental and leasing, automotive rental and leasing, amusement parks, and offices and clinics of health practitioners. In addition, this survey will provide estimates of total expenses for tax exempt organizations in selected kinds of businesses. These data are not publicly available from nongovernment or other governmental sources.

ADDRESSES: Director, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Thomas E. Zabelsky on (301) 763–5528.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to take surveys necessary to furnish current data on subjects covered by the major censuses authorized by title 13, United States Code. This survey will provide continuing and timely national statistical data on selected service industries for the period between economic censuses. The next economic census will be conducted for 1992. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses. The Census Bureau will select a probability sample of service firms and organizations in the United States (with receipts or revenue size determining the probability of selection) to report in the 1991 Service Annual Survey. The sample will provide, with measurable reliability, national level statistics on receipts and revenue for these industries. We will mail report forms to the firms covered by this survey and require their submission within 30 days after receipt.

This survey has been submitted to the Office of Management and Budget in accordance with the Paperwork Reduction Act, Public Law 96–511, as amended. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, DC 20233. Based on the foregoing determination, I have directed that an annual survey be conducted for the purpose of collecting these data.

Dated: December 18, 1991.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 91–30838 Filed 12–24–91; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

[A–570–814]

Preliminary Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China

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

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Steve Alley or Lori Way, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–0656, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of certain carbon steel butt-weld pipe fittings ("pipe fittings") from the People's Republic of China (PRC) are being, or are 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. If this investigation proceeds normally, we will make our final determination no later than March 2, 1992.

Case History

Since the publication of the notice of initiation on June 17, 1991 (56 FR 27730), the following events have occurred. On July 8, 1991, the International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is being materially injured or threatened with material injury by reason of imports of pipe fittings from the PRC.

On July 26, 1991, we sent a letter to the Embassy of the PRC, requesting that it address the question of whether the PRC is a nonmarket economy country (NME) relative to the industry under investigation. No response to this letter has been received as of this date. As discussed below under "Foreign Market Value," we are continuing the treatment of the PRC as an NME within the meaning of section 771(18) of the Act, as we have done in all past cases involving the PRC.

On July 12, 1991, the Department issued a survey to interested parties requesting information on procedures and exporters of pipe fittings in the PRC, for purposes of identifying potential respondents to our antidumping duty questionnaire. We received responses to this survey on July 24 and August 7, 1991. Based on this information, we issued our antidumping questionnaire to the following exporters, which account for more than 60 percent of exports of the pipe fittings from the PRC to the United States during the period of investigation (POI):

(1) China North Industries Corporation (China North);

(2) Jilin Provincial Machinery & Equipment Import & Export Corporation (Jilin Michinery);

(3) Liaoning Machinery & Equipment Import & Export Corporation (Liaoning Machinery);

(4) Liaoning Metals (Liaoning);

(5) Liaoning Metals & Minerals Import & Export Corporation (Liaoning Metals) (based on information available at this time, we understand this entity to be distinct from the previously named entity known as "Liaoning Metals");

(6) Shandong Metals & Minerals Import & Export Corporation (Shandong);

(7) Shenyang Billiongold Pipe Fittings Co., Ltd. (Billiongold);

(8) Shenyang Machinery & Equipment Import & Export Corporation (Shenyang Machinery); and

(9) Shenzhen Machine and Industrial Co. (Shenzhen Machine).

We received questionnaire responses and supplemental information from seven of the respondents in September, October, and November 1991. Two respondents, Liaoning and Shenzhen Machine, did not respond to our antidumping questionnaire or any other request for information.

On September 13, 1991, the petitioner, the U.S. Fittings Group, requested that the preliminary determination be postponed until no later than December 18, 1991, pursuant to section 733(c)(1) of the Act. We granted this request on September 24, 1991 (56 FR 48517), September 25, 1991).

On November 1, 1991, petitioner alleged that critical circumstances exist with regard to imports of pipe fittings from the PRC. We requested information from respondents regarding petitioner's allegation of critical circumstances on November 8, 1991.

On December 6, 1991, Weldbend Corporation, a domestic producer of the subject merchandise, indicated its opposition to this proceeding and challenged the standing of the petitioner in this investigation. Petitioner submitted its rebuttal to the standing challenge on December 13, 1991. Since this issue was raised for the first time less than two weeks before the due date of the preliminary determination, we were unable to consider the standing issue for this determination, but will address it in the final determination.

Separate Rates

Each party which has responded to the antidumping questionnaire has argued that it is entitled to a separate dumping margin. In order to determine whether company-specific dumping margins should be calculated in these investigations, we asked respondents to provide information on company ownership and relationships, sources of inputs, manufacturing processes, distribution channels, involvement of trading companies, controls on external trade, profit retention, and other facets of their production and sale of pipe fittings. As stated in the Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China ("Sparklers") (56 FR 20588, May 6, 1991), we will issue separate rates if respondents can demonstrate both a *de jure* and *de facto* absence of central control. Evidence supporting, though not requiring, a finding of *de jure* absence of central control would include: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; and (2) any legislative enactments devolving central control of export trading companies. Evidence supporting a finding of *de facto* absence of central control with respect to exports would include: (1) A finding that each exporter sets its own export prices independently of the government and other exporters; and (2) a finding that each exporter can keep the proceeds from its sales.

The seven participating respondents have submitted information for the record in this investigation attempting to show that they meet the Sparklers criteria described above. Based on our analysis of this information, each of these seven respondents meets the Sparklers criteria. Although the respondents appear to be wholly or partly owned by local or state authorities, or by collectives, all seven of these respondents state that their businesses operate independently of the central government and other trading companies. Consequently, we are issuing company-specific dumping margins for these seven participating respondents for purposes of the preliminary determination.

Since no response to our questionnaire was received from Liaoning or Shenzhen Machine, and since we have no evidence of their independence from one another or the government, we presume that they are related and subject to a single rate. This issue will be re-examined in the final determination and in any future administrative reviews if an antidumping duty order is issued. Furthermore, because Liaoning and Shenzhen Machine have not demonstrated their independence, the dumping margin assigned to them will also serve as the PRC-wide rate for all companies not receiving a separate rate in this determination.

Scope of Investigation

The products covered by this investigation are carbon steel butt-weld pipe fittings, having an inside diameter of less than 360 millimeters (14 inches), imported in either finished or unfinished form. these formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (*e.g.*, threaded, grooved, or bolted fittings). Carbon steel butt-weld pipe fittings are currently classified under subheading 7307.93.30 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, or written description of the scope of this proceeding is dispositive.

We received from the petitioner (letter dated June 18, 1991) and Silbo Industries, Inc., an interested party, (letter dated June 20, 1991) comments regarding the scope of the investigation as defined in the Department's notice of initiation. We contacted the ITC and the Customs Service National Import Specialist responsible for the subject merchandise. Based on these communications, we have deleted the following sentence from the scope as published in the notice of initiation: "Unfinished butt-weld pipe fittings that are not machined, not tooled, and not otherwise processed after forging are not included in the scope of this investigation." For a detailed discussion of this issue, see the Department's memorandum of June 27, 1991 (Memorandum from Richard W. Moreland to Francis J. Sailer).

Period of Investigation

The POI is December 1, 1990 through May 31, 1991.

Fair Value Comparisons

To determine whether sales of pipe fittings from the PRC to the United States were made at less than fair value, we compared the United States price to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice, except for Liaoning, Shenzhen Machine, and Shenyang Machinery.

Liaoning and Shenzhan Machine did not respond to our antidumping questionnaire, and Shenyan Machinery did not report a significant percentage of its U.S. sales during the POI. Therefore, we have based the margins for these companies on the best information available (BIA) in accordance with section 776(c) of the Act. In deciding what to use as BIA, both the statute and the regulation, 19 CFR 353.37(b), provide that the Department may take into account whether a party refused to provide requested information. When a company refuses to provide the information in a timely manner, or otherwise significantly impedes the Department's investigation, the Department normally assigns to that company the higher of either: (1) The highest margin alleged in the petition; or (2) the highest calculated margin for any respondent that supplied an adequate response. See, e.g., Final Determinations of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany (54 FR 18992 19033, May 3, 1989).

By not responding to our questionnaire, Liaoning and Shenzhen Machine have significantly impeded this investigation. We have assigned to Liaoning and Shenzhen Machinery a margin of 182.90 percent, which is the highest margin alleged in the petition. Although Shenyang Machinery attempted to comply with all our requests for information, it failed to report a significant percentage of its U.S. sales. Shenyang Machinery brought this omission to the Department's attention and is attempting to correct its data. We have provided Shenyang Machinery until the date of this preliminary determination to correct its deficiency, but we may still have to resort to BIA in our final determination. Consequently, we have assigned Shenyang Machinery a margin of 149.65 percent, which is the highest margin calculated for a

respondent in this determination. The selection of the most adverse BIA rate *(i.e.,* the highest petition rate) was not warranted under these circumstances.

Several respondents did not report factors of production data for some models sold to the United States during the POI. As BIA, we assigned to those sales the highest non-aberrational margin calculated for the company in question.

Billiongold provided estimated factor of production information for some U.S. sales when it purchased finished pipe fittings from another PRC manufacturer, and for merchandise sold but not yet produced and shipped. Rather than rely on estimates, we based the margin for Billiongold on Billiongold's U.S. sales for which we had actual, as opposed to estimated, factors of production.

United States Price

For all respondents except Liaoning, Shenzhen Machine, and Shenyang Machinery, we based United States price on purchase price where sales were made directly to unrelated parties prior to importation into the United States, in accordance with section 772(b) of the Act. We used purchase price as defined in section 772(b) of the Act, both because the pipe fittings were sold to unrelated purchasers in the United States prior to importation into the United States, and because exporter's sales price (ESP) methodology was not indicated by other circumstances.

For the six companies which responded substantially to our questionnaire, we calculated purchase price based on packed, CIF prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, and marine insurance.

We based the deduction for foreign inland freight on freight rates in Pakistan, as the respondents reported the use of PRC transportation services in incurring this charge. Respondents were unable to report the actual packed weight for individual pipe fitting models. Therefore, as the best available information, we used the gross weight of the steel inputs as an estimate of the packed weight of the pipe fittings.

The respondents reported the use of PRC-based providers for ocean freight and marine insurance. Since no surrogate country information was available for these expenses, we used the reported U.S. dollar charges for those expenses as the best available information, pursuant to section 773(c)(1) of the Act, for this preliminary determination.

For Billiongold, in addition to the deductions noted above, we made deductions, where appropriate, for discounts, containerization expenses, U.S. brokerage and handling, U.S. customs duties, U.S. unloading costs, and U.S. demurrage charges.

Shandong reported a commission paid to its unrelated U.S. customer. Our analysis of this adjustment, however, indicates that the "commission" appears instead to be a discount from the gross unit selling price to the U.S. customer. Therefore, in addition to the deductions noted above, for Shandong, we deducted the reported commission amount as a discount from U.S. price.

Foreign Market Value

Section 773(c)(1) of the Act provides that the Department shall determine FMV using a factors of production methodology if (1) the merchandise is exported from an NME country, and (2) the information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a).

Pursuant to section 771(18) of the Act and based on determinations in prior proceedings, the PRC is an NME. See e.g., Final Determination of Sales at Less than Fair Value: Natural Menthol From the PRC (46 FR 24614, May 1, 1981); Final Determination of Sales at Less than Fair Value: Chrome Plated Lug Nuts from the PRC (56 FR 46153, September 10, 1991) (Lug Nuts); and Final Determinations of Sales at Less Than Fair Value: Oscillating Fans and Ceiling Fans from the PRC (56 FR 55271, October 25, 1991) (Fans).

In Lug Nuts, we stated that we will value FMV based entirely on NME data only if we find that all costs incurred by a producer of the subject merchandise are market-determined. We stated further that where some costs are market-driven, we will value those inputs based on the cost incurred by the NME producer. For inputs whose costs are not shown to be market-driven, we will rely on surrogate values.

As noted above, we continue to find that the PRC is an NME. No party has suggested that the PRC is no longer an NME. Therefore, the presumption remains that the inputs used by the pipe fittings producers which are sourced in the PRC are not purchased at market prices. A respondent asserting that it purchases inputs at market-oriented prices must provide significant documentary evidence to overcome this presumption.

The seven participating respondents have claimed that many of the inputs were purchased at market-driven prices and that, accordingly, we should use the actual PRC prices for valuing these inputs. Of these respondents, only Billiongold has submitted PRC price data which would permit such a valuation. However, Billiongold has not provided sufficient documentation to show that market forces were operating in its input purchases. Billiongold has merely asserted that its inputs are purchased at market-oriented prices. Such an assertion, without sufficient documentary support, is not enough to establish market behavior.

Therefore, for this preliminary determination, we have not accepted the respondents' assertions and we have used surrogate values in calculating FMV, as discussed below. At verification, we will examine further whether the evidence submitted supports Billiongold's assertion regarding the market orientation of its input prices.

In accordance with section 773(c)(4) of the Act, as amended by the Omnibus Trade and Competitiveness Act of 1988, we have calculated FMV based on the market valuation of the factors of production used in producing the subject merchandise, as reported by each respondent. These factors are valued in market economy countries that are at a level of economic development comparable to that of the PRC and that are significant producers of the subject merchandise.

Of the countries that are known producers of pipe fittings, we determined that Pakistan, Indonesia and India, are the most comparable to the PRC in terms of overall economic development, based on per capita gross national product (GNP), the national distribution of labor, and growth rate in per capita GNP. We attempted to obtain information for valuing factors of production from these three countries either as supplied by U.S. diplomatic posts in response to information requests for this investigation and other recent Department proceedings, or from publicly available statistical references at the Department. With respect to the latter sources, we adjusted the factor values to the POI using wholesale price indices published by the International Monetary Fund.

Since the most useable surrogate value data for this case came from Pakistan, we used Pakistani values where available. The next most useable data came from Indonesian sources and we used those surrogate values for inputs where no Pakistani value was available.

For those companies that reported the distance between steel suppliers and the pipe fittings factory, we calculated the

cost of raw material input freight based on the weight of the steel pipe input and freight rates as valued in Pakistan. For companies that did not report the distance between suppliers and factories, as BIA, we used the highest average distance derived from the public versions of questionnaire responses submitted by respondents who provided the information.

For the six companies which substantially responded to our questionnaire, we calculated an FMV for each model of pipe fitting sold to the United States during the POI using the material factors reported. We added an amount for the material factors reported which we valued in Indonesia and Pakistan. We added an amount for labor and for variable electricity consumption, both of which we valued in Pakistan. To the resulting sum, we added an amount for factory overhead based on Indonesian experience.

For selling, general, and administrative expenses (SG&A), we added an amount based on the information received from Indonesian pipe fittings producers because this amount was greater than the statutory minimum of ten percent. Finally, we added an amount for profit based on the experience of Indonesian pipe fittings producers because the profit percentage was higher than the statutory eight percent minimum.

In Lug Nuts and Fans, no circumstance of sale adjustments were made because the only data available to calculate corresponding FMV adjustments was based, in whole or part, on PRC nonmarket economy expenses. No surrogate country data was available for these expenses, and we did not believe it was fair or that the statute directed us to make these deductions on one side of the margin calculation and not the other. We did not make circumstance of sale adjustments in this investigation for the reasons cited above.

To this constructed FMV, we added an amount for packing. We were unable to find sufficient useable surrogate value data for all of the packing material inputs reported. For purposes of the preliminary determination, we assigned a value to the reported packing materials based on public information submitted in the concurrent investigation of certain Carbon Steel Butt-Weld Pipe Fittings from Thailand.

As in past cases involving NMEs (*e.g.*, Fans), we have made no adjustment to FMV for U.S. selling expenses since we had no information on the specific amount of direct selling expenses included in the surrogate countries used as the basis for determining FMV.

We made currency conversions in accordance with 19 CFR 353.60(a).

Critical Circumstances

On November 1, 1991, petitioner alleged that "critical circumstances" exist with respect to imports of pipe fittings from the PRC. 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:

(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.

On November 8, 1991, we asked the respondents to supply monthly shipment volume data from January 1990 through October 1991. We received the information from Billiongold and Jilin Machinery on November 21, 1991. No data was received from the other respondents.

Pursuant to section 733(e)(1)(B) of the Act, 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. See, *e.g.*, Final Determination of Sales at Less Than Fair Value: Certain Internal-Combustion Industrial Forklift Trucks from Japan (53 FR 12552, April 15, 1988).

Normally, we compare the export volume for a period of not less than three months beginning with the month the petition was filed, with a previous period of the same length, in accordance with 19 CFR 353.16(g). Since the petition was filed on May 22, 1991, (*i.e.*, toward the end of the month), we compared shipments, for Jilin, during the three-month period following the filing of the petition, June through August 1991, to shipments during the three-month period prior to and including the month in which the petition was filed, March through May 1991. Since Billiongold provided shipment data through October 1991, we compared Billiongold's shipments from June through October 1991 to its shipments from January through May 1991.

Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports "massive". Our analysis indicates that shipments from Billiongold and Jilin Machinery have increased by considerably more than 15 percent.

Since these companies show evidence of massive imports over a relatively short period of time, we need to consider whether there is a history of dumping or whether there is reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value. We examined recent antidumping cases and found that there are currently no findings of dumping in the United States or elsewhere of the subject merchandise by PRC manufacturers. However, it is our standard practice to impute knowledge of dumping under section 733(e)(1)(A)(ii) of the Act when the estimated margins in our determinations are of such a magnitude that the importer should realize that dumping exists with regard to the subject merchandise. Normally, in purchase price sales we consider estimated margins of 25 percent or greater to be sufficient. See, *e.g.*, Fans. In this investigation, because all companies sell only on a purchase price basis, the 25 percent threshold applies.

We have found the preliminary margins for Billiongold and Jilin Machinery to be sufficiently high for the purposes of a critical circumstances determination under the criteria described above. Therefore, we find that the requirements of section 733(e)(1) are met for these companies and we preliminarily determine that critical circumstances exist with respect to imports of pipe fittings from the PRC that are exported by Billiongold and Jilin Machinery.

Of the remaining seven respondents in this investigation, five responded to our antidumping questionnaire, but did not submit shipment data as requested. The remaining two, Liaoning and Shenzhen Machinery, did not respond to the questionnaire. Thus, we must rely on BIA in making our critical circumstances determination for all of these respondents.

In accordance with section 776(c) of the Act, as BIA, we assume that the increase in imports has been "massive" since the filing of the petition. We impute knowledge of dumping because, for all of these companies, the preliminary determination margin is greater than 25 percent. Therefore, we find that critical circumstances also exist with respect to imports from these companies.

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 pipe fittings from the PRC that are entered, or withdrawn from warehouse, for consumption on or after the date which is 90 calendar days prior to 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
China North Industries Corporation (China North)	149.65
Jilin Provincial Machinery & Equipment Import & Export Corp. (Jilin Machinery)	112.47
Liaoning Machinery & Equipment Import & Export Corporation (Liaoning Machinery)	115.16
Liaoning Metals & Minerals Import & Export Corporation (Liaoning Metals)	99.02
Shenyang Billiongold Pipe Fitting Co. Ltd. (Billiongold)	115.65
Shandong Metals & Minerals Import & Export Corporation (Shandong)	39.76
Shenyang Machinery & Equipment Import & Export Corporation (Shenyang Machinery)	149.65
Liaoning Metals (Liaoning), Shenzhen Machine and Industrial Co. (Shenzhen Machine), and All Others	182.90

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

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 no later than February 3, 1992, and rebuttal briefs no later than February 10, 1992. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on February 12, 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 hearings 48 hours before the scheduled time.

Interested parties who wish to participate in the 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.

Dated: December 18, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-30855 Filed 12-24-91; 8:45 am]

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International Trade Administration

[A-549-607]

Preliminary Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand

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

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Michelle A. Frederick or Steve Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-0186 and 377-3773, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that certain carbon steel butt-weld pipe fittings from Thailand are being, or are likely to be, sold in the United States at less than fair value, as provided in section 773 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make our final determination no later than March 2, 1991.

Case History

Since the publication of our notice of initiation on June 17, 1991 (56 FR 27730), the following events have occurred.

On July 8, 1991, the International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain carbon steel butt-weld pipe fittings from Thailand.

On July 31, 1991, the Department presented questionnaires to three Thai producers of the subject merchandise: TTU Industrial Corp., Ltd.; Awaji Sangyo (Thailand) Co., Ltd. (AST); and Thai Benkan Co. These three manufacturers account for all sales of carbon steel butt-weld pipe fittings from Thailand during the period of investigation (POI). TTU and AST have responded to the Department's requests for information; Thai Benkan has not.

On September 9, 1991, having already determined that TTU's home market was not viable, the Department determined that sales made by TTU to Australia during the POI provided the most appropriate basis for the calculation of TTU's foreign market value (FMV). Based on an allegation make by petitioner, on October 4, 1991, the Department initiated an investigation into whether TTU sold carbon steel butt-weld pipe fittings to Australia at less than the cost of production (COP). Accordingly, on October 7, 1991, the Department issued a cost questionnaire to TTU pursuant to section 773(b) of the Act. On November 25, 1991, TTU responded to the Department's requests for information regarding its production costs.

Upon review of the revised computer data output submitted by TTU on November 25, 1991, we found that the data was not in a form usable by the Department for the preliminary determination. Based on the lack of usable data, we were precluded from performing the COP test for TTU and making U.S. comparisons to third country sales. On December 17, 1991, we

requested that TTU resubmit its November 25, 1991, computer submission of U.S. sales in a form usable to the Department. Upon receipt of TTU's revised sales data, we will analyze and verify TTU's response for use in the final determination. In addition, on December 10, 1991, TTU requested that the Department examine all third country sales when performing the cost test. We are currently reviewing TTU's request. In the meantime, we are using the September 13, 1991, U.S. and third country sales data for purposes of the preliminary determination.

On September 13, 1991, the petitioner, the U.S. Fittings Group, an *ad hoc* trade association, requested that the preliminary determination be postponed until not later than December 18, 1991, pursuant to section 733(c)(1) of the Act. We granted this request on September 18, 1991 (56 FR 48517, September 25, 1991).

Based on a separate allegation made by petitioner, on October 31, 1991, the Department initiated an investigation into whether AST sold the Subject merchandise in the home market at less than the COP. Accordingly, on November 18, 1991, the Department issued a cost questionnaire to AST pursuant to section 773(b) of the Act. AST submitted its response to the cost questionnaire on December 16, 1991, too late to be considered for purposes of the preliminary determination. We will analyze and verify AST's cost response for use in the Department's final determination.

On November 19, 1991, petitioner alleged that AST did not fully or accurately report its sales in the United States during the POI and argued that the inaccuracies require the use of best information available (BIA). Specifically, petitioner alleged that (1) AST's reported prices to a U.S. importer are inaccurate since they are higher than the prices charged by this U.S. importer to its customer, and (2) AST did not report all U.S. sales for the POI. Petitioner provided purchase orders of a U.S. importer and the importer's customer, and AST's packing lists for the shipments of the merchandise to support its claim.

AST argues that it has accurately reported its sales to the United States. It does not have knowledge of the resale price the U.S. importer charges its customer. AST also contends that it reported all sales to the United States. AST explains that it did not report the sales petitioner alleged were made during the POI since price and quantity were fixed prior to the POI by a "pilot order," which is a type of purchase order.

The Department has accepted AST's information for purposes of the preliminary determination and will examine these issues at verification.

On December 6, 1991, Weldbend Corporation, a domestic producer of the subject merchandise, indicated its opposition to this proceeding and challenged the standing of the petitioner in this investigation. Petitioner submitted its rebuttal to the standing challenge on December 13, 1991. Since this issue was raised for the first time less than two weeks before the due date of our preliminary determination, we were unable to consider the standing issue for this determination, but will address it in the final determination.

Scope of the Investigation

The products covered by this investigation are carbon steel butt-weld pipe fittings, having an inside diameter of less than 360 millimeters (14 inches), imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (*e.g.*, threaded, grooved, or bolted fittings). Carbon steel butt-weld pipe fittings are currently classified under subheading 7307.93.30 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

We received from the petitioner (letter dated June 18, 1991) and Silbo Industries, Inc., an interested party, (letter dated June 20, 1991) comments regarding the scope of the investigation as defined in the Department's notice of initiation. We contacted the ITC and the Customs Service National Import Specialist responsible for the subject merchandise. Based on these communications, we have deleted the following sentence from the scope as published in the notice of initiation: "Unfinished butt-weld pipe fittings that are not machined, not tooled, and not otherwise processed after forging are not included in the scope of this investigation." For a detailed discussion of this issue, see the Department's memorandum of June 27, 1991 (Memorandum from Richard W. Moreland to Francis J. Sailer).

Period of Investigation

The POI is December 1, 1990 through May 31, 1991.

Such or Similar Comparisons

We have determined that certain carbon steel butt-weld pipe fittings constitute one such or similar category of merchandise.

Fair Value Comparisons

For AST and TTU, to determine whether sales of certain carbon steel butt-weld pipe fittings from Thailand to the United States were made at less than fair value, we compared the United States price to the FMV, as specified in the United States Price" and "Foreign Market Value" sections of this notice.

For AST we compared merchandise sold in the United States to identical and non-identical merchandise sold in the home market. For TTU, we compared merchandise sold in the United States to identical merchandise sold in a third country (Australia). For a detailed discussion of this issue, see the Department's memorandum of September 9, 1991 (Memorandum from Richard W. Moreland to Francis J. Sailer).

Best Information Available

The Department issued a questionnaire to Thai Benkan, however, it did not respond to the Department's requests for information. Accordingly, we used BIA to assign a margin to that company, pursuant to 19 CFR 353.37(b). The Department's normal practice for a non-cooperative respondent is to assign the higher of either the margin alleged in the petition or the highest margin calculated for another responding company. See, e.g., Final Determinations of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Republic of Germany, 54 FR 18992 (May 3, 1989). We have assigned Thai Benkan the petition margin of 52.60 since it is higher than the calculated margins.

United States Price

A. TTU

For TTU, we based U.S. price on purchase price, in accordance with section 772(b) of the Act, because all sales were made directly to unrelated parties prior to importation into the United States and because exporter's sales price methodology was not indicated by other circumstances. We calculated purchase price based on CIF or C&F prices, duty unpaid. 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)(B) of the Act, we increased

U.S. price by the amount of import duties imposed by Thailand on inputs for the subject merchandise which have not been collected by reasons of the exportation of the subject merchandise to the United States.

TTU reported amounts for rebated taxes. We did not increase U.S. price by the amount of any taxes imposed in Thailand which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States because we are calculating FMV based on third country prices. In this circumstance, where the sales used to calculate FMV are tax free (since any taxes imposed in Thailand on merchandise that is shipped to third countries are rebated or uncollected by reason of the exportation of the merchandise), there is no basis for any tax adjustment to U.S. price.

B. AST

For AST, we based U.S. price on purchase price, in accordance with section 772(b) of the Act, because all sales were made directly to unrelated parties prior to importation into the United States and because exporter's sales price methodology was not indicated by other circumstances. AST submitted revised shipment and payment dates, and movement charges for U.S. sales on December 11, 1991, too late to be considered for purposes of this preliminary determination. We calculated purchase price based on CIF, duty unpaid, prices. 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)(B) of the Act, we increased U.S. price by the amount of import duties imposed by Thailand on inputs for the subject merchandise which have been rebated by reason of the exportation of the subject merchandise to the United States. In accordance with section 772(d)(1)(C) of the Act, we increased U.S. price by the amount of taxes imposed in Thailand directly upon the exported merchandise and components thereof, which had been rebated, or which had not been collected, by reason of the exportation of the merchandise to the United States. Since there is a companion countervailing duty administrative proceeding on the subject merchandise, the rebate of indirect taxes is limited to the amount of the rebate of indirect taxes on inputs that are physically incorporated into the exported merchandise. See, Final Determination of Sales at Less Than Fair Value: Silicon Metal From Argentina, 56 FR 37891 (August 9, 1991). For those U.S. sales with unreported payments dates and shipment dates, we recalculated credit based on the average credit days incurred for other U.S. sales and AST's short-term interest rate for the POI.

Foreign Market Value

In order to determine whether there were sufficient sales of certain carbon steel butt-weld pipe fittings in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales in the such or similar category to the volume of third country sales in the such or similar category in accordance with section 773(a)(1) of the Act.

A. TTU

For TTU, we determined that the home market was not viable. In selecting which third country market to use for comparison purposes, we first determined which third country markets had "adequate" sales volumes within the meaning of 19 CFR 353.49(b) (1) and (2). We determined that the volume of sales to a third country market was adequate if the sales of such or similar merchandise exceeded, or was equal to, five percent of the volume sold to the United States. Of the third country markets having an adequate sales volume of such or similar sales, we selected Australia as the most appropriate market for comparison purposes in accordance with 19 CFR 353.49(b).

We calculated FMV based on CIF and C&F duty unpaid prices to unrelated customers in Australia. We made deductions, where appropriate, for foreign inland freight, foreign brokerage and handling, ocean freight, and marine insurance. In accordance with 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for differences in credit, bank charges, and fumigation costs. We deducted third country packing costs and added U.S. packing costs. In accordance with 19 CFR 353.56(b)(1), we deducted third country commissions and added indirect selling expenses incurred in the U.S. market up to the amount of the third country commission. In order to make a fair comparison with U.S. sales, we added the amount of import duties imposed by Thailand on inputs for the subject merchandise which have not been collected by reason of the exportation of the subject merchandise to Australia.

B. AST

For AST, we determined that the home market was viable. We calculated FMV based on delivered prices to unrelated customers in the home market. We disregarded sales to a related party because those sales did not appear to be at arm's length. We made deductions, where appropriate, for foreign inland freight. In accordance with 19 CFR 353.56(a)(2), we made circumstance of sale adjustments, where appropriate, for differences in credit.

For sales with unreported payment dates and shipment dates in the home market, we calculated a weighted-average credit expense based on the expense reported for AST's home market transactions. We deducted home market packing costs and added U.S. packing costs. In accordance with 19 CFR 353.56(b)(1), we deducted home market commissions. Because AST did not report U.S. indirect selling expenses, we made an upward adjustment to FMV for the amount reported for home market commissions. We also made circumstance-of-sale adjustments for the differences between taxes incurred on home market sales and imputed to export sales.

Currency Conversion

In accordance with 19 CFR 353.60, we converted foreign currency into the equivalent amount of United States currency using the official exchange rates in effect on the appropriate dates. All currency conversions were made at rates 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.

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 certain carbon steel butt-weld pipe fittings from Thailand (except for those of AST) that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. Normally, we would instruct the U.S. Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the foreign market value of pipe fittings from Thailand exceeds the U.S. price, which in this investigation is 7.95 percent for TTU, 0.00 percent for AST, 52.60 percent for Thai Benkan, and 40.90 percent for all other manufacturers, producers, and exporters of pipe fittings from Thailand. However, Article VI.5 of the General Agreement on Tariffs and Trade (GATT) provides that "[n]o * * * product shall be subject

to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act which prohibits assessing dumping duties on the portion of the margin attributable to an export subsidy.

In this case, the product under investigation is subject to a concurrent countervailing duty administrative review. The Department has yet to assess countervailing duties, however. To fulfill our international obligations arising under the GATT, under these circumstances, we are subtracting the bonding rate attributable to the export subsidies found in the initial countervailing duty investigation from the antidumping bonding rate. See, Final Determination of Sales at Less Than Fair Value: Ball Bearings and Parts thereof From Thailand, 54 FR 19117 (May 3, 1989). Accordingly, for duty deposit purposes, the net antidumping bonding rates are shown below. This suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Weighted-average margin percentage
TTU	5.42
AST	0.00
Thai Benkan [1]	52.60
All Other	40.90

[1] Since Thai Benkan's margin is based on BIA, no offset for export subsidies was made.

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 February 3, 1992 and rebuttal briefs no later than February 10, 1992. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on February 12, 1991, at 3 p.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. 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. 1673(f)) and 19 CFR 353.15.

Dated: December 18, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-30854 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-05-M

[A-428-037]

Drycleaning Machinery From Germany; Final Results of Antidumping Duty Administrative Review

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

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

SUMMARY: On August 12, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on drycleaning machinery from Germany. The review covers two manufacturers/exporters of this merchandise and the period November 1, 1989 through October 31, 1990.

We gave interested parties an opportunity to comment on the preliminary results. At the request of Boewe Reinigungs und Waschereitechnik GmbH (Boewe) we held a public hearing. Based on our analysis of the comments received and the correction of certain clerical errors, we have changed the margin for Boewe and Seco Maschinenbau & Co. GmbH (Seco) to 0.64 and 4.44 percent, respectively.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/3814.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 38112) the preliminary results of its administrative review of the antidumping finding on drycleaning machinery from Germany (37 FR 23715, November 2, 1972). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of German drycleaning machinery currently classifiable under item number 8451.10.10 of the Harmonized Tariff Schedules (HTS). The HTS item number is provided for convenience and Customs purposes. The written description of the scope of the finding remains dispositive.

The review covers two manufacturers/exporters of this merchandise to the United States, Boewe and Seco, and the period November 1, 1989 through October 31, 1990. Since Seco did not respond to our questionnaire, we have used best information available in determining Seco's rate in these final results of review.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received comments from Boewe and, at the request of Boewe, held a public hearing on October 23, 1991.

Comment 1

Boewe contends that for Model P200 we should base foreign market value (FMV) on third-country sales rather than on constructed value (CV). Boewe says that it originally reported third-country sales to Italy because Italy was the largest market for the P200, even though the sales were to a related firm. Boewe asserts that 19 CFR 353.45, regarding sales to related parties, permits the use of sales to related parties in third countries as long as there is no reason to conclude that the price is not comparable to prices to an unrelated party.

In its supplemental response, Boewe reported third-country sales to Spain in addition to reporting the CV information requested by the Department, and claimed that the Department's regulations, specifically 19 CFR 353.48(b), express a preference for the

use of third-country sales over CV. In the hearing, Boewe also argued that the sales to Spain would be preferable for determining FMV over the sales to Italy for two reasons: (1) The sales to Spain were made to unrelated parties, and (2) the majority of the U.S. sales were made at the same level of trade (LOT), *i.e.*, to distributors.

Department's Position

We disagree with the respondent. In cases such as this where the home market is determined to be viable and there are no home market sales of a particular model, our practice is to use CV rather than third-country sales to determine FMV for that model. See High Information Flat Panel Displays and Display Glass Therefor from Japan, Final Determination; Recision of Investigation and Partial Dismissal of Petition (56 FR 32376, July 16, 1991). In this review, Boewe's home market was viable, but there were no home market sales of the P200 model. Therefore, we correctly used CV to determine FMV for the P200.

Comment 2

Boewe claims that the Department should reduce FM by the full value of the Consorba anti-emission machines that are required for all drycleaning machines sold in the home market, rather than limiting the adjustment to only the cost differences. Boewe asserts that Consorba machines are not drycleaning machines or drycleaning options, but are separate machines. Boewe contends that if the invoice had shown separate prices for the drycleaning machine and for the Consorba, instead of a combined price, the Department would have used only the price of the drycleaning machine and ignored the price of the Consorba.

Department's Position

We agree. Since the Consorba is clearly not a drycleaning machine, an attachment, or an option for a drycleaning machine, we have recalculated the FMV of the drycleaning machines by using the selling price of the drycleaning machines only. See Certain Electric Motors from Japan, Final Results of Administrative Review of Antidumping Duty Order (49 FR 32627, August 15, 1984). To do this, we allocated the discounted unit price of the combined drycleaning machine/Consorba based upon the ratio of the unit prices of the drycleaning machines and Consorba sold separately. We then used for FMV the portion of the discounted drycleaning machine/Consorba unit price represented by the drycleaning machine alone.

Comment 3

Boewe claims that advertising in the home market should be allowed in full as a direct expense, or, alternatively, two-thirds should be allowed as direct selling expenses and one-third should be allowed as an LOT adjustment.

Department's Position

We disagree. In its original response, Boewe said that all or substantially all of its home market advertising was on a product-line basis but it was not able to demonstrate that this was the case. Therefore, we do not consider this as a direct selling expense. Further, Boewe's estimate that one-third of this expense would be assumed by home market distributors if there were such distributors is mere conjecture and unsupported by any evidence on the record, and is thus not allowable as an LOT adjustment. However, we note that we have allowed the full amount of the home market advertising expense as an indirect selling expense in ESP comparisons.

Boewe submitted unsolicited factual information in its pre-hearing brief dated October 9, 1991, supporting its claim for advertising as a direct expense and several other claims. At the hearing Boewe proffered a document, which it termed backup material, to support claims previously made. The Department did not accept this information from Boewe.

At the hearing, the hearing examiner explained that the Department does not accept such information after the time limits specified in our regulations (19 CFR 353.31). To the extent that we deem unsolicited data or information submitted after these dates to be new factual information, whether characterized as supplementing, explaining, or supporting previously submitted data or information, and whether submitted in case briefs, at a hearing, or otherwise, it is untimely and may not be considered in this review.

Comment 4

Boewe claims the Department should have allowed trade-in allowances as a circumstance-of-sale adjustment, as an indirect selling expense, or as a LOT adjustment.

Department's Position

We disagree. We consider the trade-in allowance to be equal to the value of a traded-in machine and, therefore, permitting a COS adjustment, or treating the trade-in allowance as an indirect selling expense, or as an addition to the LOT adjustment, would be inappropriate.

Comment 5

Boewe says that home market headquarters sales department and order entry and control expenses should be treated as a COS adjustment, or, alternatively, as a LOT adjustment.

Department's Position

We disagree. Because these expenses are overhead expenses, we are continuing to treat them as indirect. We are also unconvinced that these expenses should be added to the LOT adjustment because it is unclear whether Boewe would have incurred most or all of these expenses if it had sold through distributors instead of directly to end-users in the home market.

Comment 6

Boewe claims that expenses for technical publications should be treated as direct expenses. It argues that it is difficult to imagine any expense category which relates more directly to the machines under consideration than expenses for preparing technical publications for these machines.

Department's Position

We disagree. Boewe failed to provide sufficient timely evidence that the expenses claimed were directly related to the sales under consideration. Certain information respondent sought to use that purportedly supported this argument was untimely submitted. (See Department's Position on Comment 3.) We cannot discern from the record that these expenses are anything other than general technical services expenses, and that they would have been incurred regardless of whether any particular sale had been made.

Comment 7

Boewe claims that the Department should have allowed certain general and administrative (G&A), management, and traffic/shipment department expenses as direct or as indirect selling expenses.

Department's Position

We disagree. Boewe has failed to demonstrate that these expenses are sales expenses and, therefore, we continued to treat G&A, management, and traffic/shipment department expenses as overhead.

Comment 8

Boewe contends that one U.S. "exhibit sale" should be excluded from our margin calculations. Boewe claims it is common in the industry for exhibit machines to be marked down when sold as "floor samples." It, therefore,

requests that the Department not include this machine in its dumping calculations.

Department's Position

We disagree. There is no basis in the statute or in the regulations for excluding such sales.

Comment 9

Boewe requests that negative margins be used to offset any positive dumping margins calculated.

Department's Position

We disagree. Under section 731 of the Tariff Act, dumping duties are imposed in an amount equal to the amount by which the FMV exceeds the U.S. price. The Tariff Act does not provide for offsets for negative margins. To provide for offsets would permit a foreign producer to mask dumped prices with prices above FMV and to engage in selective dumping. Thus, except in instances where the Department has conducted reviews of seasonal merchandise which has very significant price fluctuations due to perishability (see Final Results of Antidumping Administrative Review, Certain Fresh Cut Flowers from Colombia (55 FR 20495, May 17, 1990)), the idea of averaging U.S. prices has been rejected. See Final Results of Antidumping Administrative Review, Pressure Sensitive Plastic Tape from Italy (54 FR 13091, March 30, 1989).

Comment 10

Boewe claims that the Department made certain clerical errors that should be corrected, including omissions or errors involving options, miscellaneous expense deductions, sale dates, exchange rates, physical differences, and inventory carrying charges for ESP sales.

Department's Position

We agree and have recalculated our results accordingly.

Final Results of the Review

We preliminarily found margins of 6.00 percent for Boewe and for Seco. Seco's best information available (BIA) rate, based on its own highest previous rate, is 4.44 percent. Because Boewe's non-BIA rate was greater than 4.44 percent in the preliminary results of review, we assigned Boewe's rate to Seco. However, since Boewe's margin fell below 4.44 percent in these final results, we have assigned Seco its own BIA rate of 4.44 percent.

As a result of the comments received and the correction of certain clerical errors, we have revised our preliminary results, and we determine that the following weighted-average margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
Boewe	11/1/89–10/31/90	0.64
Seco	11/1/89–10/31/90	4.44

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results for all shipments of drycleaning machinery from Germany entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate will be 0.64 percent for Boewe, and 4.44 percent for Seco; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the final determination in the original less-than-fair-value investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; and (3) the cash deposit rate for any future entries from all manufacturers or exporters who are not covered in this or prior administrative reviews and who are unrelated to the reviewed firms or any previously reviewed firm, will be 0.64 percent. This is the most current non-BIA rate for any firm in this proceeding.

This administrative review and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 12, 1991.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 91–30849 Filed 12–24–91; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–068]

Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review

SUMMARY: On October 1, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan. These final results of review cover one explorer of this merchandise, Mitsui & Co., Ltd., and the periods from December 1, 1985 through November 30, 1987, and December 1, 1987 through November 30, 1988. The review indicates no shipments of the subject merchandise during the review periods. We gave interested parties an opportunity to comment on the preliminary results and we received timely comments from the petitioners. Based on our analysis of comments received, the final results remain unchanged from the preliminary results.

EFFECTIVE DATE: December 26, 1991.

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

SUPPLEMENTARY INFORMATION:

Background

On October 1, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 49745) the preliminary results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan (43 FR 57599, December 8, 1978). The Department has now completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by this review are shipments of steel wire strand, (strand) other than alloy steel, not galvanized, which are stress-relieved and suitable for use in prestressed concrete. During the review periods such merchandise was classifiable under Tariff Schedules of the United States Annotated (TSUSA) item number 642.1120. Such merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 7312.10.30.15. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers one exporter of Japanese steel wire strand to the United States, Mitsui & Co., Ltd. (Mitsui), and the periods December 1, 1985 through November 30, 1987, and December 1, 1987 through November 30, 1988.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received a comment from the petitioners.

Comment: The petitioners question the Department's decision to apply a zero percent estimated cash deposit rate to future entries of steel wire strand for any new exporters or manufacturers. Rather, they argue, we should apply the 15.8 percent rate found for Mitsui in this review. The zero rate is derived from an administrative review of the period December 1, 1980 through November 30, 1982, a period five years prior to the current review. That zero rate was subsequently applied in two administrative reviews covering the periods December 1, 1982 through November 30, 1985 (51 FR 39694 (1986); 54 FR 4373 (1987)).

This review of Mitsui covers the period ending November 1988 and, as such, 15.8 percent is the most recent rate for exports of Japanese strand. That Mitsui's last rate was a best information available (BIA) rate (due to deficiencies and delays in Mitsui's submission of data in the prior review) should not affect the Department's decision about the most appropriate rate to apply to future entries from other producers or exporters. In such circumstances, it unfairly penalizes petitioners to assume that a BIA rate applied to a respondent in the most recent review is somehow different from a rate calculated based on pricing data submitted by the respondent in the most recent review. As a matter of policy, it is reasonable to apply the most current rate to future entries from any company not previously reviewed. Whether that rate was determined based on pricing data submitted by the respondent in the most recent review, or was a BIA rate based on the best information the Department had, should be legally irrelevant in determining the future cash deposit rate for new exporters.

Department's Position: We disagree. It is inappropriate to base future deposit rates for companies not previously reviewed on a BIA rate. (See, e.g., Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review (55 FR 31414, August 2, 1990)). It is our standard practice to use the highest rate for a responding firm with shipments in the current or most recent period reviewed as the all-other rate. For this review, in accordance with our general practice, we determined future estimated cash deposits based upon the highest non-BIA rate for a firm with shipments in the most recent review period. The most recent review for a firm with shipments was the period December 1, 1980 through November 30, 1982. (See Steel Wire Strand for Prestressed Concrete from Japan; Final Results of Antidumping Duty Administrative Review and Revocation in Part (51 FR 30894, August 29, 1986)). Thus, as the petitioners stated, the zero deposit rate used in this review for all others is taken from a review five years prior to the present review. However, the source of the BIA rate of 15.8 percent for Mitsui is the less-than-fair-value investigation, a period 10 years prior to this present review.

Final Results of Review

Based on our analysis of the comment received and as a result of our review, we determine that for the consecutive periods between December 1, 1985 and November 30, 1988, the final results of review are unchanged from the preliminary results. Since Mitsui had no shipments of merchandise subject to the finding, we determine a dumping margin of 15.80 percent based on the final results of the last adminstrative review with shipments.

Furthermore, the following deposit requirements will be effective upon publication of these final results of administrative review for all shipments of steel wire strand for prestressed concrete from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Mitsui will be that established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or in the original less-than-fair-value investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; and (3) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews and who are unrelated to the reviewed firm or any previously reviewed firm will be zero percent. This is the most current non-BIA rate for any firm in this proceeding.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 17, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-30651 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-015]

Television Receiving Sets, Monochrome and Color, From Japan; Final Scope Ruling

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

ACTION: Final scope ruling.

SUMMARY: On March 9, 1989, the Department of Commerce Received a request to exclude hand-held, portable televisions with liquid crystal display screens under six inches in size from the antidumping duty order on television receiving sets, monochrome and color, from Japan.

On January 30, 1990, we published a preliminary scope ruling that found such merchandise to be within the scope of the subject antidumping order, and invited comments from the public.

After reviewing the comments received, we reaffirm our preliminary determination that hand-held, portable televisions with liquid crystal display screens under six inches in size are within the scope of the antidumping order on television receiving sets, monochrome and color, from Japan.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Melissa Skinner or Amy Beargie, Office, of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4851.

SUPPLEMENTARY INFORMATION:

Background

In 1971, the U.S. Tariff Commission (predecessor of the International Trade Commission (ITC)) conducted an injury investigation with regard to Japanese television imports into the United States. As part of the investigation, the Commission defined the imported product as:

> television sets from Japan [that] cover the broad range of types and sizes sold in the U.S. market. Both monochrome and color receivers in nearly all screen sizes are imported into the United States from Japan in large volumes.

36 FR 4576 (March 9, 1971). The final injury determination encompassed virtually all TVs without mentioning any specific characteristics.

The Treasury Department (the pre-1980 administering authority) published a corresponding antidumping determination which contained a similarly broad product description, "television receiving sets, monochrome and color, from Japan." 34 FR 4597 (March 10, 1971). That finding served as both the final notice in the sales at less than fair value investigation and the antidumping duty order.

In June 1979, the Treasury Department ruled that the subject antidumping order applies to any unit which is generally capable of receiving a broadcast television signal and producing a video image. In all succeeding reviews of this finding conducted by the Department of Commerce (the Department), the following definition of the scope has been consistently applied:

> Television sets include, but are not limited to, units known as projection television, receiver monitors, kits (containing all parts necessary to assemble a complete television receiver) and subassemblies containing the components necessary to receive a broadcast television signal and produce a video image. Not included are monitors not capable of receiving a broadcast television signal . . . and subassemblies not containing the components essential for receiving a broadcast television signal and producing a video image.

Final Results of Administration Review: Television Receiving Sets, Monochrome and Color, from Japan, 46 FR 30163 (February 13, 1981).

Three prior determinations are relevant to the instant scope review. On July 10, 1984, Casio Computer Co., Ltd. (Casio) filed a request with the Department to exclude the Casio TV–10, a small-screen liquid crystal display television (LCD TV), from the scope of the subject order. In response to Casio's request, the Department defined that "(t)he Casio TV–10 is capable of receiving a broadcast television signal and producing a video image, and is thus within the scope of the finding on television receiving sets from Japan." Letter to Harold Evans from Leonard M. Shambon, Director, Office of Compliance (June 24, 1985).

On December 5, 1986, Matsushita Electric Industrial Co., Ltd. (Matsushita) filed a request with the Department to exclude model CT–333S—a portable combination unit consisting of an LCD TV receiver and an AM/FM stereo radio—from the scope of the subject order.

On June 18, 1987, the Department notified Matsushita of its determination that model CT–333S is within the scope of the subject antidumping order. The Department based its determination on the four criteria set forth in *Diversified Products Corp.* v. *United States*, 6 CIT 155, 572 F. Supp. 883 (1983). Letter to Charles H. Bayar from Timothy N. Bergan, Director, Office of Compliance (June 18, 1987).

On May 11, 1987, various parties (the Casio Group) filed a request with the ITC to modify the antidumping order on Japanese television receivers to exclude LCD TVs from the scope thereof. After conducting an investigation, the ITC ruled that LCD TVs are the same like product as other television receivers. Liquid Crystal Display Television Receivers from Japan, USITC Pub. No. 2042 (December 1987) at 1.

On March 9, 1989, the Department received a request to exclude hand-held, portable televisions with LCD screens under six inches in size, from the antidumping order on television receiving sets, monochrome and color, from Japan. The request was filed on behalf of Casio Computer Co., Ltd., Casio, Inc., Citizen Watch Co., Ltd., Hitachi, Ltd., Hitachi Sales Corporation of America, Hitachi Sales Corporation of Hawaii, Inc., Matsushita Electrical Industrial Co., Ltd., Matsushita Electric Corporation of America, NEC Corporation, NEC Home Electronics (USA), Inc., Seiko Epson Corporation, Toshiba Corporation, and Toshiba America, Inc. (the Requesting Parties).

Although we received various comments on the request, we were unable to consider those submitted by U.S. firms that were not interested parties within the meaning of section 771(9) of the Tariff Act of 1930, as amended (the Tariff Act). As a result of the significant interest in the request, we found it appropriate to provide an opportunity for wider participation in this proceeding. Therefore, we published a preliminary ruling that the subject merchandise was within the scope of the order and invited comments from the public. 55 FR 3075 (January 30, 1990).

We received comments opposing exclusion from Zenith Electronics Corporation (Zenith comments of March 1, 1990) and Thomson Consumer Electronics, Inc. (Thomson comments of February 26, 1990), both domestic manufacturers of television receivers. The Requesting Parties and Sharp Electronics Corporation, a U.S. subsidiary of a Japanese manufacturer of televisions, submitted comments supporting exclusion. (Requesting Parties' comments of February 28, 1990 and Sharp comments of March 1, 1990). We also received comments supporting exclusion from Corning Incorporated (Corning comments of March 1, 1990), a domestic manufacturer of specialty glass used in the manufacture of LCDs.

Criteria

For purposes of determining whether the merchandise in question is within the scope of the antidumping duty order on television receiving sets, monochrome and color, from Japan, we referred to § 353.29 of the Department's regulations on antidumping scope determinations. 19 CFR 353.29 (1990).

On matters concerning the scope of an antidumping duty order, our primary bases on determining whether a product is covered by such an order are the descriptions of the product contained in the petition, the initial investigation, and the prior determinations of the Department and the International Trade Commission. If these descriptions are not dispositive, the Department refers to the remaining provisions of § 353.29, as appropriate. In this case, the parties requesting exclusion contend that LCD TVs are later-developed products and therefore a scope ruling should be based on the criteria contained in § 353.29(h), which provides:

> (h) Later-developed products—(1) In general. For purposes of determining whether a product developed after an antidumping investigation is initiated (hereafter in this paragraph referred to as the "later-developed merchandise") is within the scope of an order, the Secretary will consider whether:
>
> (i) The later-developed product has the same general physical characteristics as the merchandise with respect to which the order was originally issued (hereafter in this paragraph referred to as the "earlier merchandise");
>
> (ii) The expectations of the ultimate purchasers of the later-developed product are the same as of the earlier merchandise;
>
> (iii) The ultimate use of the earlier merchandise and the later-developed product are the same;
>
> (iv) The later-developed product is sold through the same channels of trade as the earlier merchandise; and
>
> (v) The later-developed product is advertised and displayed in a manner similar to the earlier merchandise.

19 CFR 353.29(h)(1). With respect to later-developed products which incorporate a significant technological advance or significant alteration of an earlier product, prior to issuing a ruling to include products within the scope of an order pursuant to § 353.29(h), the Secretary will notify the Commission in writing of the proposing inclusion in accordance with section 781(e) of the Tariff Act of 1930, as amended, 19 U.S.C. 1677j(e). See also 19 CFR 353.29(d)(7)(iii).

Further, the statute provides that the Department may not exclude later-developed products from an order merely because the products:

> (i) Are classified under a tariff classification other than that identified in the

petition or the Secretary's prior notices during the proceeding; or

(ii) Permit the purchaser to perform additional functions, unless such additional functions constitute the primary use of the products and the cost of the additional functions constitute more than a significant portion of the total cost of production of the products.

19 U.S.C. 1677j(d)(2) and 19 CFR 353.29(h)(2).

Documents from the underlying proceeding deemed relevant by the Department to the scope of the outstanding order were made a part of the record in the instant scope review. In completing its analysis, the Department considered any written arguments that interested parties submitted within the specified time limits. Documents that were not presented to the Department or placed by it on the record do not constitute part of the administrative record attendant to this scope proceeding.

Arguments

The Requesting Parties base their arguments for exclusion of small-screen LCD TVs on the criteria set forth in the later-developed merchandise provision of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act), and claim that the Department is not free to ignore this legal standard, as it did in the preliminary scope ruling. (Requesting Parties at 2.) The Requesting Parties state that there is no question that small-screen LCD TVs were developed after the issuance of the subject antidumping order. (Requesting Parties at 3.) As a result, the Department committed a legal error by basing its preliminary scope ruling on an obsolete definition of a television and ignoring the criteria set forth in the 1988 Act. (Requesting Parties at 3.) According to the Requesting Parties, small-screen LCD TVs have different physical characteristics and end uses, move through different channels of trade, give rise to different consumer expectations, and are displayed and advertised in a manner different than conventional televisions with cathode ray tubes (CRTs). (Requesting Parties at 4–5.) As a result, the Requesting Parties claim that hand-held, portable LCD TVs must be excluded from the scope of the subject order pursuant to the criteria set forth in the 1988 Act.

Sharp and Corning claim that Corning, a U.S. manufacturer of the fusion-formed flat glass currently used in the production of LCD televisions, is being injured by the application of the antidumping order to small-screen LCD TVs. Sharp states that it has decided not to import small-screen LCD televisions from Japan because of the adverse economic effects of antidumping duties, and contends that other companies have been similarly affected. (Sharp at 1.) Since LCD TVs are not currently produced in the United States, Sharp supports Corning's contention that demand for Corning's fusion-formed flat glass has fallen as a result of the application of the antidumping order to small-screen LCD TVs from Japan, and argues that demand in Japan for Corning's glass would increase if small-screen LCD televisions were excluded from the scope of the order. (Sharp at 2.)

Corning renews its October 10, 1989 request for a review under section 751(b) of the Tariff Act. Corning cites five changed circumstances: the development of fusion-formed flat glass; the invention of small-screen LCD TVs; the emergence of Corning as the supplier of choice for Japanese manufacturers of small-screen LCD TVs; the failure of U.S. television manufacturers to develop LCD technology; and the restrictive effects of the antidumping order on imports of small-screen LCD TVs containing glass manufactured by Corning. (Corning at 2.) Corning contends that, as a result of these circumstances, the application of the antidumping order to small-screen LCD TVs causes it considerable harm, and fails to benefit the domestic industry which does not produce such merchandise. (Corning comments of October 10, 1989 at 2.)

Corning offers to modify the request to exclude only LCD TVs with the following characteristics: A screen size of four inches or less, color picture, portable, self-powered, and containing fusion-formed flat glass manufactured by Corning. (Corning at 3.) Corning states that it has offered to narrow the scope of its request for a changed-circumstances review in an attempt to address concerns that it claims were expressed informally by the domestic industry. (Corning at 3.) Corning believes that modification of its request for a changed-circumstances review will allow the Department to act affirmatively on its request as a result of no interest by the domestic industry. (Corning at 3.)

The Requesting Parties support Corning's request for a changed-circumstances review. According to the Requesting Parties, Corning fully supports the exclusion of small-screen LCD TVs from the scope of the order, despite the fact that it has been a longstanding supporter of the domestic television industry. (Corning at 5.) Requesting Parties argue that the statute does not specify that requests for review under section 751(b) of the Tariff Act must be made by an interested party. (Requesting Parties at 6.) However, if the Department reaffirms that Corning lacks standing to request such a review, the Requesting Parties adopt Corning's request for a changed-circumstances review as their own. (Requesting Parties at 6.)

Zenith and Thomson support the Department's preliminary determination not to exclude small-screen LCD televisions from the scope of the finding.

Zenith states that the Department has determined that LCD TVs are within the scope of the finding of three separate occasions, and that the ITC has also ruled that there is no justification for removing LCD TVs from the scope of the order. (Zenith at 2–3) Thomson supports the determinations by the Department, the ITC, and the Treasury Department that any unit generally capable of receiving a broadcast signal and producing a video image is a television covered by the antidumping order. Thomson states that consistent application of this standard has served both the domestic industry and the U.S. government well, and that the scope of the subject order should not be narrowed by a decision to exclude small-screen LCD TVs. (Thomson at 1.)

Zenith argues further that the Requesting Parties have improperly used the "later-developed products" provision of the 1988 Act as the basis for their request. According to Zenith, both the legislative history and the title of the section of the legislation containing this provision clearly demonstrate that it was not intended to provide respondents with an alternative means of requesting that a product be excluded from the scope of an order, but rather was intended to be a means of clarifying and codifying the Department's authority to take action against the circumvention of orders. (Zenith at 17–18.)

Zenith also notes that the criteria specified in this provision parallel those set forth in *Diversified Products Corp.* v. *United States*, 6 CIT 155, 572 F. Supp. 883 (1983). According to Zenith, the Department denied one previous request for exclusion of small-screen LCD TVs from the scope of the subject order using these criteria, and refused to even consider these criteria in denying another exclusion request because the existing scope descriptions were sufficient to make a ruling. (Zenith at 20.) Zenith states that the ITC also relied on similar criteria in determining that the scope should not be modified to exclude small-screen LCD televisions. (Zenith at 20.) Zenith argues that, as a result of these determinations, small-

screen LCD TVs are not later-developed products within the meaning of the statute. (Zenith at 19–20.)

Zenith claims that the only motive behind the instant request is the Japanese manufacturers' desire to dominate the U.S. television market. (Zenith at 22) Zenith contends that, despite their assertions to the contrary, Japanese manufacturers are developing televisions with larger LCD screens that will compete directly with conventional televisions (Zenith at 22.) However, the development of television incorporating larger LCDs is dependent on the successful application of LCD technology to small-screen televisions, which is currently hindered by the high cost of manufacturing LCDs. (Zenith at 23.) According to Zenith, Japanese manufacturers must increase production of small-screen LCDs to reduce costs to a profitable level. (Zenith at 24.) If small-screen LCD TVs were to be excluded from the scope of the subject order, Zenith fears that Japanese manufacturers would be able to reduce costs by increasing production of small-screen LCD TVs, thereby generating the revenue and gaining the manufacturing knowledge required to pursue the development of larger LCD TVs. (Zenith at 22–24.)

Finally, Zenith states that Corning lacks standing to request a changed-circumstances review because it is not a manufacturer of televisions and, therefore, is not an interested party in this proceeding, as defined in the statute. (Zenith at 21.) Zenith argues, therefore, that the Department should reject Corning's request for a changed-circumstances review, as it did in the preliminary scope ruling.

Analysis

The purpose of a scope ruling is to determine whether the product in question is of the same class or kind of merchandise as other products known to be within the scope of an antidumping order. The motives of the parties requesting a scope ruling and the economic effects of an order on a particular domestic industry or firm are irrelevant to a scope proceeding. As a result, we have not considered those factors in making this final scope ruling.

In the Department's preliminary scope ruling we found it unnecessary to examine LCD TVs in light of the later-developed products provision, finding instead that the product descriptions are dispositive. In doing so, we relied exclusively on the first prong of the Department's two-prong scope test; i.e., the descriptions of the merchandise contained in the petition, the initial investigation, and the determinations of the Department and the ITC. 19 CFR 353.29(i)(1). An examination of LCD TVs indicates that this technology did not exist at the time the original product descriptions were developed in 1971. As such, the Department has concluded that it would be inappropriate to rely solely on the first prong of its scope test, and that application of the second prong, the later-developed products provision, is appropriate in this case. Accordingly, we have analyzed the subject merchandise pursuant to the later-developed guidelines set forth in 19 U.S.C. 1677j(d)(1) and 19 CFR 353.29(h).

Pursuant to § 353.29(h)(1), the Department must consider the physical characteristics, expectations of the ultimate purchaser, ultimate use, channels of trade, and manner of advertising and display when making a scope determination involving a later-developed product. (See Criteria section, *supra* for text of 19 CFR 353.29(h)(1).)

Physical Characteristics

The Requesting Parties argue that the inherent features of LCD technology lead to differences in physical characteristics between TVs incorporating small-screen LCDs and those incorporating CRTs.

According to the Requesting Parties, the subject LCD TVs are much thinner and more compact than conventional and small-screen CRT TVs due to the additional depth required to accommodate the shape of the CRT. (Requesting Parties at 11–12). Furthermore, the Requesting Parties state that most currently available hand-held LCD TVs weigh less than one pound, which contrasts sharply with the substantially heavier CRT TVs. (Requesting Parties at 12.) Finally, the Requesting Parties note that the subject LCD TVs require relatively little power, thereby allowing for the incorporation of an internal power source or the use of a portable power supply. (Requesting Parties at 13.) In contrast, CRT TVs require 110 volts and an AC electrical wall outlet in order to function. (Requesting Parties at 13.)

Although the Department acknowledges that LCD and CRT TVs differ in terms of size, weight, and power requirements, the two product types share several significant physical characteristics. Specifically, as noted in the language contained in the ITC report on the investigation of LCD TVs:

> [D]ifferent types of televisions require different types of parts and components, but, in general, all must have a tuner, intermediate frequency amplifier, audio processing circuitry, color separation circuitry, speaker(s), and a display device, as well as a housing, user controls, power source, and an antenna.

Liquid Crystal Display Television Receivers from Japan, USITC Pub. No. 2042 (December 1987) at A–8. These components are essential to the fundamental use and purpose of a TV—receiving a broadcast signal and producing a video image. Because LCD TVs feature the components enumerated above, the Department concludes that such similarity in physical characteristics significantly outweighs the aforementioned differences raised by the Requesting Parties.

Expectations of Ultimate Purchasers

The Requesting Parties argue that the ultimate purchasers of a hand-held LCD TVs expect to be able to carry the unit on their person in order to view it anywhere and anytime. (Requesting Parties at 13.) Such expectations of portability are discernible from the miniature size and light weight of the unit, the product's ability to function on an internal or mobile power source, and the fact that the LCD TV produces a brighter picture in an outdoor setting. (Requesting Parties at 14.) Despite these advantages, the Requesting Parties note that hand-held LCD TVs have limited broadcast reception, and that, given the small screen size, they can only be viewed by one person at close range for limited periods of time. (Requesting Parties at 14–15.) Conversely, CRT TVs function better indoors and can be viewed for extended periods of time by several people at once. (Requesting Parties at 14–15.) Accordingly, the Requesting Parties assert that purchaser expectations conform to the inherent limitations of hand-held LCD TVs.

We acknowledge that purchasers of small-screen LCD TVs may expect to use the product outdoors or in other locations in which use of a larger CRT TV is impractical. However, the setting in which the subject LCD TV is viewed does not lead to significantly different expectations among the ultimate purchasers of the two product types. Rather, as discussed below, the ultimate purchaser of a small-screen LCD TV expects to use it for the same purpose as the purchaser of a CRT TV.

Ultimate Use

The Requesting Parties state that the unique characteristics of small-screen LCD TVs result in ultimate uses different from those associated with conventional TVs. Because the subject LCDs are compact, lightweight, and can function from an internal or mobile power source, the Requesting Parties claim that the subject product is truly

portable. (Requesting Parties at 13–14.) Conversely, CRT TVs function better indoors and are mostly used for stationary, in-home viewing due to their comparatively heavier frame and standard power requirements. (Requesting Parties at 13–14.) Therefore, in terms of ultimate use, it is the feature of portability which, in the opinion of the Requesting Parties, distinguishes hand-held LCD TVs from CRT TVs.

We recognize that LCD technology allows for a lighter and more compact product than those TVs which incorporate CRTs. However, certain CRT TVs are also portable and operate from a self-contained power source. Therefore, a difference in degree of portability does not significantly distinguish LCD TVs from CRT TVs. Moreover, even assuming portability did constitute a distinction, such portability would not distinguish the product in terms of ultimate use. Both product types are ultimately used to view programming received from a broadcast signal. The feature of portability is rendered meaningless without the capability of broadcast reception and, therefore, the fact that a viewer might be outdoors does not alter the fundamental use of the product. Accordingly, we determine that hand-held LCD TVs and CRT TVs have the same ultimate use. The similarity in ultimate use also generates similarity in the purchaser expectations discussed *supra*.

Channels of Trade

According to the Requesting Parties, small-screen LCD TVs can be sold through such diverse retail outlets as drugstores, jewelry stores, and specialty gift shops, which do not sell CRT TVs. (Requesting Parties at 16.)

Although we acknowledge that the distribution channels for LCD TVs may be broader than those for CRT TVs, we also recognize that the two product types share similar channels of trade. First, notwithstanding the fact that LCD TVs may be sold at various outlets, both products are principally distributed through retail channels to consumers. Second, in its investigation of LCD TVs, the ITC found that "some retailers advertise both CRT TVs (of many sizes) and LCD TVs together." Liquid Crystal Display Television Receivers from Japan, USITC Pub. No. 2042 (December 1987) at A–17. In light of these similarities, the Requesting Parties have not furnished sufficient evidence that LCD TVs have significantly different channels of trade then CRT TVs.

Advertising and Display

The Requesting Parties claim that small-screen LCD TVs are exhibited in counter display cases along with watches and small appliances, and are advertised with specialty gifts items, thereby differentiating them from CRT TVs, which are normally advertised and displayed with major consumer electronics products. (Requesting Parties at 16–17.)

Once again, we acknowledge that the size and relative novelty of small-screen LCD TVs may, in certain circumstances, allow them to be advertised and displayed in a different manner than CRT TVs. However, as with the channels of trade, the Requesting Parties have offered no evidence that the manner in which small-screen LCD TVs are advertised and displayed differs significantly from that of CRT TVs. Moreover, the evidence cited above in reference to channels of trade also shows that small-screen LCD TVs can be advertised and displayed along with CRT TVs.

Summary

In the foregoing analysis, we applied the five criteria set forth in section 781(d) of the Tariff Act to determine whether small-screen LCD TVs are within the scope of the antidumping order on television receivers, monochrome and color, from Japan. Based on this analysis, we determine that such LCD TVs are similar to conventional television receivers in terms of physical characteristics, purchaser expectations, ultimate use, channels of trade, and manner of advertisement and display. Accordingly, we reaffirm our preliminary ruling that hand-held, portable televisions with LCD screens under six inches in size are within the scope of the antidumping duty order on televisions, monochrome and color, from Japan.

ITC Consultation

Pursuant to § 353.29(d)(7)(iii), the Department must notify the ITC of the proposed inclusion of a later-developed product which incorporates a significant technological advance or significant alteration of an earlier product. Because the subject LCD TVs is a later-developed product which incorporates a significant technological advance or significant alternation of an earlier product, we contacted the ITC and informed the Commission of the proposed inclusion of the subject merchandise. By letter of December 11, 1991, the ITC advised the Department that it "does not believe that consultation between Commerce and the Commission are necessary."

Changed Circumstances Determination

We reaffirm our preliminary determination that Corning is not an interested party within the meaning of the statute and, therefore, lacks standing to request a changed circumstances review. However, since the Requesting Parties have adopted Corning's request as their own, and since they are interested parties within the meaning of the statute, we have examined the alleged changed circumstances.

The alleged changed circumstances that involve the development and production of LCD televisions have been the subject of previous rulings by both the Department and the ITC. We determined on June 24, 1985, that small-screen LCD televisions are within the scope of the antidumping finding on Japanese televisions, and the ITC, in Investigation 751–TA–14, determined that small-screen LCD TVs are the same like product as other televisions, despite the fact that the domestic industry does not produce LCD TVs. (USITC Pub. 2042, December 1987.) The argument concerning the alleged failure of the domestic industry to develop LCD technology for use in television receivers has already been addressed by the ITC. As a result of the determination by the ITC, as well as the Department's previous rulings, we find that the development of small-screen LCD TVs does not constitute a changed circumstance within the meaning of the statute.

The other alleged changed circumstances include the development of fusion-formed flat glass, the emergence of Corning as the supplier of choice of this type of glass for Japanese manufacturers of small-screen LCD televisions, and the restriction on imports of small-screen LCD televisions made in Japan caused by the antidumping finding. Although we acknowledge that these conditions could have potentially adverse effects on Corning, we find that they are not changed circumstances within the meaning of the statute with respect to the order on Japanese television receivers.

Corning narrowed the scope of its original request in the hope that the domestic industry would express no interest in the continued application of the subject order to small-screen LCD TVs. However, members of the domestic industry opposed modification of the finding to exclude televisions with LCD screens under four inches in size during the ITC's 1987 investigation of LCD TVs, and have not made an affirmative statement of no interest since them.

Therefore, we determine that changed circumstances sufficient to warrant a review do not exist, and we deny the request for review under section 751(b) of the Tariff Act.

Dated: December 16, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-30850 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-DS-M

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with § 353.22 or 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review

Not later than January 31, 1992, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in December for the following periods:

	Period
Antidumping Duty Proceedings:	
Brazil: Brass Sheet & Strip, (A-351-603)	01/01/91-12/31/91
Canada: Brass Sheet & Strip, (A-122-601)	01/01/91-12/31/91
Canada: Color Picture Tubes, (A-122-605)	01/01/91-12/31/91
France: Anhydrous Sodium Metasilicate, (A-427-098)	01/01/91-12/31/91
Japan: Color Picture Tubes, (A-588-609)	01/01/91-12/31/91
Singapore: Color Picture Tubes, (A-559-601)	01/01/91-12/31/91
Spain: Potassium Permanganate, (A-469-007)	01/01/91-12/31/91
South Africa: Low-Fuming Brazing Copper Wire and Rod, (A-791-502)	01/01/91-12/31/91
Taiwan: Certain Stainless Steel Cooking Ware (A-583-603)	01/01/91-12/31/91
The Peoples Republic of China: Potassium Permanganate, (A-570-001)	01/01/91-12/31/91
The Republic of Korea: Brass Sheet & Strip, (A-580-603)	01/01/91-12/31/91
The Republic of Korea: Color Picture Tubes, (A-580-605)	01/01/91-12/31/91
The Republic of Korea: Stainless Steel Cooking Ware, (A-580-601)	01/01/91-12/31/91
Suspension Agreements:	
Canada: Potassium Chloride, (A-122-701)	01/01/91-12/31/91
Canada: Certain Red Raspberries, (A-122-504)	01/01/91-12/31/91
Colombia: Miniature Carnations, (A-301-601)	01/01/91-12/31/91
Colombia: Roses and Other Cut Flowers, (A-301-003)	01/01/91-12/31/91
Costa Rica: Certain Fresh Cut Flowers, (A-223-601)	01/01/91-12/31/91
Hungary: Truck Trailer Axle and Brake Assemblies, (A-437-001)	01/01/91-12/31/91
Countervailing Duty Proceedings:	
Argentina: Non-Rubber Footwear, (A-357-0052)	01/01/91-12/31/91
Brazil: Brass Sheet & Strip, (A-351-604)	01/01/91-12/31/91
Ecuador: Fresh Cut Flowers, (A-331-601)	01/01/91-12/31/91
The Republic of Korea: Stainless Steel Cookware, (A-580-602)	01/01/91-12/31/91
Spain: Stainless Steel Wire Rod, (A-469-004)	01/01/91-12/31/91
Taiwan: Stainless Steel Cookware, (A-583-604)	01/01/91-12/31/91
Thailand: Butt-Weld Pipe Fittings, (A-549-804)	01/01/91-12/31/91

In accordance with § 353.22(a) of the Commerce regulations, an interested party may request in writing that the Secretary conduct an administrative review of specified individual producers or resellers covered by an order, if the requesting person states why the person desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which was produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230. Further, in accordance with § 353.31 of the Commerce Regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review", for requests received by January 31, 1992.

If the Department does not receive by January 31, 1992 a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: December 18, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-30848 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-517-501]

Carbon Steel Wire Rod From Saudi Arabia; Preliminary Results of Countervailing Duty Administrative Review

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

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

SUMMARY: The Department of Commerce had conducted an administrative review of the countervailing duty order on carbon steel wire rod from Saudi Arabia. We preliminarily determine that total bounty or grant to be 0.01 percent *ad valorem* for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: December 26, 1991.

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

SUPPLEMENTARY INFORMATION:

Background

On February 1, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (54 FR 5102) of the countervailing duty order on carbon steel wire rod from Saudi Arabia. During February 1991, Georgetown Steel Corporation, Northstar Steel Texas, Inc., Raritan River Steel Company and Atlantic Steel Company, petitioners in this proceeding, and the Saudi Iron Steel Company (HADEED), the respondent, requested an administrative review covering the period January 1, 1990 through December 31, 1990. We initiated the review on March 22, 1990 (55 FR 10642). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by the review are shipments of Saudi carbon steel wire rod. Carbon steel wire rod is a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. Such merchandise is classifiable under item numbers 7213.20.00, 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00 and 7213.50.00 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990, and four programs. During the review period, there was only one Saudi producer and/or exporter of the subject merchandise, the Saudi Iron and Steel Company (HADEED).

Analysis of Programs

(1) Public Investment Fund Loan to HADEED

The Public Investment Fund (PIF) was established in 1971 as one of five specialized credit institutions set up by the Government of Saudi Arabia. The other specialized credit institutions are the Saudi Industrial Development Fund (SIDF), the Saudi Agricultural Bank the Saudi Credit Bank and the Real Estate Development Fund. These specialized credit institutions are funded completely by the Saudi government and were the only sources of long-term financing in Saudi Arabia during the review period.

The respondent has contended that PIF and SIDF are "integrally linked" as defined in § 355.43(b)(6) of the Department's proposed regulations. Should the Department determine that PIF and SIDF are integrally linked, they would be considered together in determining whether loans provided by these two entities are limited to a specific enterprise or industry, or group of enterprises or industries. We stated in the final results of the previous review that documented information on the inception of the two funds that explicitly ties PIF and SIDF as complementary parts of an overarching governmental policy directive had not been presented. In this review, we conducted a verification of the factual information presented in the respondent's questionnaire responses regarding the issue of integral linkage. We examined all of the documentation presented by respondents at verification which included various annual reports of the administering agencies of both funds, Saudi Five-Year Development Plans, as well as verbal and written statements of Saudi government officials. Nothing we examined contained specific references indicating that PIF and SIDF had been conceived as complementary programs or that any direct connection existed between the two funds at either the operational or administrative levels. Therefore, we preliminarily determine that PIF and SIDF are not integrally linked as defined by the Department's regulations. We will continue to consider PIF as a single and separate program.

The PIF was established in 1971 to provide financing to large-scale, commercially productive projects that have some equity participation of the Saudi government. PIF by-laws exclude firms or projects without Saudi government equity from applying to the PIF for financing. Because the application of the government equity participation requirement has limited benefits under this program to a small number of enterprises, we have previously determined that PIF loans are provided to a specific group of enterprises in Saudi Arabia, and that the PIF loan to HADEED is counteravailable to the extent that it is given on terms inconsistent with commercial considerations (see, Carbon Steel Wire Rod from Saudi Arabia; Final Results of Countervailing Duty Administrative Reviews, 56 FR 48158 (September 24, 1991)). The evidence reviewed by the Department does not indicate a need to revise this conclusion.

The loan contract between the PIF and HADEED requires that HADEED pay a variable commission, or interest, on the outstanding balance based on its profitability in the preceding semester. During 1990, HADEED made repayments of loan principal and commission on its PIF loan.

Using the two sources for medium- to long-term industrial financing available in Saudi Arabia, private commercial banks and the SIDF, we have constructed a composite interest rate benchmark for 1990 to determine whether the PIF loan to HADEED was on terms inconsistent with commercial considerations. Since the PIF loan covered 60 percent of HADEED's total project costs, for our benchmark we assumed that HADEED could have financed 50 percent of its total project costs with a SIDF loan (the maximum eligibility for a company with at least 50 percent Saudi ownership) and the remaining 10 percent of project costs with a Saudi commercial bank loan. The SIDF loan portion of the benchmark was used because, of all the specialized credit institutions, it is the only fund besides the PIF which lends to industrial or manufacturing projects and, thus, is most representative of what HADEED would otherwise have to pay for long-term loans in Saudi Arabia. We used the 2 percent flat rate of interest applied to SIDF loans in 1990. The commercial

bank portion of the benchmark was based on the average Saudi Interbank Offering Rate (SIBOR) for 1990, plus a one-quarter of one percent spread. Because the composite benchmark for 1990 is less than the actual commission, or interest rate, that HADEED paid on its PIF loan in 1990, we preliminary determine that the PIF loan was not inconsistent with commercial considerations for the period January 1, 1990 through December 31, 1990.

(2) SABIC's Transfer of SULB Shares to HADEED

The Saudi Arabian Basic Industries Corp. (SABIC) was established in 1976 by the Government of Saudi Arabia as an industrial development corporation. SABIC has been the majority shareholder in HADEED since the steel company's inception in 1979. In 1982, SABIC acquired all of the remaining shares in the Steel Rolling Company (SULB), a Saudi producer of steel reinforcing bars of which SABIC had been the majority shareholder since 1979. In December 1982, SABIC decided to transfer its shares in SULB to HADEED in return for new HADEED stock. Through the stock transfer, SULB became a wholly-owned subsidiary of HADEED.

In Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Steel Wire Rod From Saudi Arabia, (51 FR 4206; February 3, 1986), we determined that HADEED was unequityworthy in December 1982 and that the transfer of SABIC's shares in SULB to HADEED in exchange for additional shares in HADEED was inconsistent with commercial considerations.

To determine the benefit to HADEED from the acquisition of SULB, we used our rate of return shortfall methodology. Because no information was available on the 1990 national average rate of return on equity in Saudi Arabia, we used the 1990 annual average rates of return on U.S. direct investment in Saudi Arabia. Based on the most recent data available from the U.S. Commerce Department's Bureau of Economic Analysis, the 1990 average rate of return on investment was 21.61 percent. We computed the rate of return shortfall by taking the difference between this figure and the 1990 rate of return on equity in HADEED. Because HADEED's rate of return on equity in 1990 was greater than average rate of return on U.S. direct investment in Saudi Arabia in 1990, the rate of return shortfall for the review period is zero. On this basis, we preliminary determine the benefit from this equity infusion to be zero for the period January 1, 1990 through December 31, 1990.

(3) Preferential Provision of Equipment to HADEED

Under a lease/purchase arrangement, the Royal Commission for Jubail and Yanbu built for HADEED two bulk ship unloaders at the Jubail industrial port for unloading iron ore, and constructed a conveyor belt system for transporting iron ore from the pier to HADEED's plant in the Jubail Industrial Estate. When construction of these facilities was completed in 1982, the Commission transferred custody to HADEED under a lease/purchase agreement.

As originally planned, the bulk ship unloader and conveyor system was built to serve both HADEED and an adjacent plant in the Jubail Industrial Estate. The second plant was not built, however, leaving HADEED as the sole user of this equipment. The terms of the lease/purchase agreement require that HADEED must repay the equipment and construction costs plus a two-percent fee for the cost of money in 20 annual installments. The annual payments are stepped, with the lowest payment levels occurring at the beginning and the highest payment levels occurring at the end of the 20-year period.

In the Saudi Wire Rod (op. cit.), we found that the two-percent cost-of-money fee is the Commission's standard charge for recovery of costs on other facilities in the Jubail Industrial Estate. Of the projects examined, a urea berthside handling system built for the exclusive use of another company located in the Estate was the most comparable to HADEED's ship unloader and conveyor system. Therefore, we compared the repayment schedule for HADEED's ship unloader and conveyor system to the repayment schedule for a berthside handling system. Although both agreements carried the standard cost-of-money fee, we found that HADEED's end-loaded, stepped repayment schedule was more advantageous than the annuity-style repayment schedule on the berthside handling system. Therefore, we determine that HADEED's ship unloader and conveyor system was provided on preferential terms. Moreover, because the equipment is used exclusively by HADEED, we find that it is provided to a specific enterprise and, thus, confers a bounty or grant.

To calculate the benefit, we compare the principal and fees being paid in each year by HADEED to the principal and fees that would be paid under the repayment schedule used for the berthside handling system. We allocated the sum of the present values of the differences in the two repayment schedules over 20 years, using a two-percent discount rate. The resulting benefit for 1990 was divided by HADEED's total sales in 1990. On this basis, we preliminarily determine the benefit from the preferential provision of the unloader and conveyor system to be 0.01 percent ad valorem for the period January 1, 1990 through December 31, 1990.

(4) Income Tax Holiday for Saudi Joint Venture Projects

Duly licensed foreign partners of joint-venture companies in Saudi Arabia are granted a 10-year income tax holiday under article 7 of the Foreign Capital Investment Law of January 1, 1979. The exemption is granted automatically to any licensed industrial or agricultural project provided that Saudi capital shall not be less than twenty-five percent of the total capital of the project and that such percentage shall be maintained throughout the period of exemption. This tax holiday applies only to income taxes that are owed by the foreign share of the enterprise. The Saudi partners of both foreign joint-ventures or wholly national firms are liable for zakat, an Islamic alms tax, for which there are no exemptions.

In this review, information on the universe of firms eligible for the exemption, never before presented in any foreign reviews, was provided in the questionnaire responses on a timely basis. During verification, we reviewed the information provided in the responses. This information shows that of 369 foreign joint-ventures licensed and operating in the Kingdom during 1990, a large number of them, 322 or 87 percent, were eligible for the income tax holiday. The actual percentage of firms which made use of the automatic exemption in 1990 may differ from this, depending on the profit (loss) experience of each firm. Those firms comprising the 87 percent represent virtually all sectors of Saudi industry including food and beverage, textiles, apparel, wood products, paper products, printing and publishing, chemicals, petroleum products, plastics, rubber products, nonmettalic mineral products, metal industries, and other manufacturing. Based on these facts, we preliminarily determine that the income tax holiday is not limited to a specific enterprise or industry, or group of enterprises or industries, and therefore, is not countervailable.

Preliminary Results of Review

As a result of the review, we preliminarily determine the total bounty

or grant to be 0.01 percent *ad valorem* for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1990 and exported on or before December 31, 1990.

The Department also intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

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

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

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

Dated: December 17, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-30852 Filed 12-24-91, 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications: Tucson, AZ

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is estimated at $165,000 in Federal funds and a minimum of $29,118 in non-Federal (cost sharing) contributions. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from May 1, 1992 to April 30, 1993. The MBDC will operate in the Tucson, Arizona Geographic Service Area.

The award number for this MBDC will be 09-10-92006-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian Tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50.00 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A-129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any

time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

"Certification for Contracts, Grants, Loans, and Cooperative Agreements" and SF–LLL, the "Disclosure of Lobbying Activities" (if applicable) is required in accordance with section 319 of Public Law 101–121, which generally prohibits recipients of Federal contracts, grants, and loans from using Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

CLOSING DATE: The closing date for submitting an application is February 3, 1992. Applications must be postmarked on or before February 3, 1992.

Proposals will be reviewed by the Atlanta Regional Office. The mailing address for submission is: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 401 West Peachtree Street NW., suite 1930; Atlanta, Georgia 30308–3516, 404/703–3300.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, January 15, 1992 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance).

Dated: December 19, 1991.

Maggie L. Faulkner,

Chief, Business Development Specialist.

[FR Doc. 91–30868 Filed 12–24–91; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

International Whaling Commission; Meetings

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

ACTION: Notice of meetings.

SUMMARY: NOAA makes use of an Interagency Committee to assist in preparing for meetings of the International Whaling Commission (IWC). This notice sets forth guidelines for participating on the Committee and a tentative schedule of meetings and other important dates.

DATES: See **SUPPLEMENTARY INFORMATION** for dates of scheduled meetings.

ADDRESSES: Recommendations to the U.S. Commissioner to the IWC and nominations to the U.S. delegation to the IWC should be sent to: Dr. John A. Knauss, United States Commissioner to the International Whaling Commission, Department of Commerce, Herbert C. Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230, with a copy sent to Becky Rootes, Office of International Affairs, rm. 7276, NMFS, 1335 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Becky Rootes, Office of International Affairs, National Marine Fisheries Service, Department of Commerce, Washington, DC 20910. Phone: (301) 713–2276.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. This authority has been delegated to the Under Secretary of NOAA. The U.S. Commissioner to the IWC has primary responsibility with the Secretary for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce, and assisted by the Department of the Interior, the Marine Mammal Commission, and other interested agencies.

Each year NOAA conducts a series of meetings and other actions to prepare for the annual meeting of the IWC which is held in the summer. The major purpose of the preparatory meetings is to provide for participation in the development of policy by members of the public and non-governmental organizations interested in whale conservation. NOAA believes that this participation is important for the effective development and implementation of U.S. policy concerning whaling, and such participation is and shall continue to be, a prerequisite to the establishment of U.S. negotiating positions for IWC meetings.

Because the meetings discuss U.S. negotiating positions, the substance of the meetings must be kept confidential. For example, proposed position papers that may be circulated at a meeting for discussion cannot be removed from the meeting site and must be collected at the close of each meeting.

Any person with an identifiable interest in United States whale conservation policy may participate, but NOAA reserves the authority to inquire about the interest of any person who appears at a meeting and to determine the appropriateness of that person's participation. Persons who represent foreign governments may not attend. These stringent measures are necessary to promote the candid exchange of information and protect the confidentiality of U.S. negotiating positions. Such measures are a necessary basis for the relatively open process of preparing for IWC meetings that characterizes current practice.

The tentative schedule of meetings and deadlines, including those of the IWC and deadlines for the preparation of position papers during 1992 is as follows:

January 21, 1992—Interagency Committee Meeting to continue preparations for the 1991 IWC meetings. Interested persons who are unable to attend are welcome to submit comments. Recommendations to the U.S. Commissioner should be sent to: The United States Commissioner to the International Whaling Commission, at the above address.

February 28, 1992—Nominations for the U.S. Delegation to the May IWC meetings are due to the U.S. Commissioner, with a copy to Becky Rootes at the address above. All persons wishing to be considered pursuant to the U.S. Commissioner's

recommendation to the Department of State concerning the composition of the Delegation should ensure that nominations are received by this date. Prospective Congressional advisors to the Delegation should contact the Department of State directly.

March 30, 1992—Tentative Interagency Committee meeting to review United States agenda changes for forwarding to the IWC Secretariat.

May 1, 1991—Publish in the Federal Register the Agency views on (1) the current population levels and annual net recruitment rate of bowhead whales, (2) the nature and extent of the aboriginal/subsistence need for bowhead whales, (3) the level of take of bowhead whales that is consistent with provisions of the IWC aboriginal/subsistence whaling management scheme and (4) a list of documents reviewed by NOAA and used by the Administrator in formulating these views.

May 21, 1992—Tentative Interagency Committee Meeting date for finalizing preparations for 1991 IWC meetings.

Persons who would like to be included in IWC Interagency Committee meeting may contact Becky Rootes at the address or telephone number provided above to obtain meeting times and location.

(16 U.S.C. 1801 *et seq.*)

Henry R. Beasley,

Director, Officer of International Affairs.

[FR Doc. 91-30806 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-22-M

Patent and Trademark Office

Advisory Commission on Patent Law Reform; Open Meeting

AGENCY: Patent and Trademark Office, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Commission was chartered on August 15, 1990, to advise the Secretary of Commerce on the state of and need for any reform in the United States patent system, as well as the need for any changes in the U.S. laws relating to the enforcement and the licensing of U.S. patents. This meeting will provide an opportunity for discussion of the findings and draft recommendations of the Advisory Commission.

DATES: The Advisory Commission on Patent Law Reform will meet on January 16 and 17, 1992, from 9:30 a.m. to 5 p.m.

PLACE: Crystal Park Two, suite 912, 2121 Crystal Drive, Arlington, Virginia 22202.

MATTERS TO BE CONSIDERED:

1. Presentations on draft recommendations from the four Working Groups of the Advisory Commission, followed by discussion.

2. Set administrative agenda for further Advisory Commission proceedings and report preparation.

BACKGROUND: On March 26, 1991, the Advisory Commission held its first meeting and created four working groups to address an agenda of thirteen issues. Public input was solicited on each issue through an invitation for public comment published on May 16, 1991 (56 FR 22702) and comments were received through September 3, 1991. During the last meeting of the Advisory Commission, the public input discussed, and a fourteenth issue, the Secrecy Order Program, was taken up and assigned to Working Group II. the current meeting will provide an opportunity for the four Working Groups of the Advisory Commission to present draft recommendations and findings on the fourteen issues, and to permit discussion of those findings and draft recommendations.

STATUS: The meeting will be open to public observation. Approximately 30 seats have been reserved for the public on a first-come, first-served basis. Efforts will be made to accommodate all requests for attendance; however, to ensure that adequate seating will be available, parties wishing to attend should request a reservation by Janaury 14, 1992. Reservations for attendance should be made through the contact person indicated below. If time permits, the Chairperson may allow oral comments or questions. Written comments and suggestions will be accepted before or after the meeting on any of the agenda matters.

CONTACT PERSON FOR FURTHER INFORMATION: E. R. Kazenske, Executive Assistant to the Commissioner, Box 15, Patent and Trademark Office, Washington, DC 20231. Telephone: (703) 305-8600.

Dated: December 19, 1991.

Harry F. Manbeck, Jr.,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 91-30798 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-16-M

COMMISSION ON INTERSTATE CHILD SUPPORT

Commission Meeting

The U.S. Commission on Interstate Child Support will meet January 17, 18, and 19, 1992 in Portland, Oregon. Meetings will be held from 8 a.m.–6 p.m. on the 17th and 18th and from 8 a.m. to 4 p.m. on the 19th. All meetings will take place at the hotel Vintage Plaza, 422 SW Broadway in Downtown Portland.

The Commission will review tentative recommendations to be submitted in its final report to Congress.

For more information contact Joyce Moore at 202/254-8093.

Margaret Campbell Haynes,

Chair.

[FR Doc. 91-30799 Filed 12-24-91; 8:45 am]

BILLING CODE 6820-64-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

December 19, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 23, 1991.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. 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) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

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, carryover and recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990; and 56 FR 60101, published on November 27, 1991). Also see 56 FR 22402, published on May 15, 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.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 19, 1991.

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 9, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on June 1, 1991 and extends through May 31, 1992.

Effective on December 23, 1991, you are directed to amend further the directive dated May 9, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Dominican Republic:

Category	Adjusted twelve-month limit [1]
338/638	575,469 dozen.
339/639	573,474 dozen.
340/640	551,382 dozen.
342/642	375,857 dozen.
347/348/647/648	1,133,972 dozen of which not more than 778,655 dozen shall be in Categories 347/348 and not more than 714,610 dozen shall be in Categories 647/648.
633	78,748 dozen.
644	405,327 numbers.

[1] The limits have not been adjusted to account for any imports exported after May 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,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-30775 Filed 12-24-91, 8:45 am]

BILLING CODE 3510-DR-F

Amendment to the Export Licensing System for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

December 20, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of export licenses/commercial invoices printed on red paper.

EFFECTIVE DATE: January 1, 1992 and April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

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 Governments of the United States and the People's Republic of China have agreed to further amend the existing export licensing system to provide for the use of export licenses/commercial invoices, issued by the Government of the People's Republic of China, for shipments of goods produced or manufactured in China and exported from China on or after April 1, 1992, which are printed on a red guilloche patterned background paper. The red form replaces the blue licenses/invoices currently in use. The visa stamp is not being changed at this time. The Chinese Embassy in Washington will continue to issue the white pre-printed replacement visa now in use.

Textile products which are produced or manufactured in China and exported from China during the period January 1, 1992 through March 31, 1992 may be accompanied by visas printed on either blue or red background paper.

See 49 FR 7269, published on February 28, 1984; and 52 FR 28741, published on August 3, 1987.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 20, 1991.

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 February 23, 1984, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive establishes an export licensing system for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China.

Effective on April 1, 1992, you are directed to amend further the directive dated February 23, 1984 to provide for the use of export licenses/commercial invoices issued by the Government of the People's Republic of China which are printed on red guilloche patterned background paper. The red form will replace the blue form currently being used. The Chinese Embassy in Washington will continue to issue the white pre-printed replacement visa now in use.

To facilitate implementation of this amendment to the export licensing system, I request that, effective on January 1, 1992, you permit entry of textile products, produced or manufactured in China and exported from China during the period January 1, 1992 through March 31, 1992, for which the Government of the People's Republic of China has issued either a blue or red export license/commercial invoice.

Goods exported on and after April 1, 1992 must be accompanied by an export visa issued by the Government of the People's Republic of China on the red invoice form only.

Shipments entered according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

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,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-30858 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-DR-F

Denial of Participation in the Special Access and Special Regime Programs

December 20, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs denying the right to participate in the Special Access and Special Regime Programs.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-3400.

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 Committee for the Implementation of Textile Agreements (CITA) has determined that Encro Macclenny Products is in violation of the requirements set forth for participation in the Special Access and Special Regime Programs.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs, effective on April 1, 1992, to deny Encro Macclenny Products the right to participate in the Special Access and Special Regime Programs, for a period of one year, beginning April 1, 1992 and ending March 31, 1993. In addition, for the period April 1, 1992 through March 31, 1993, U.S. Customs will not sign ITA-370P forms for export of U.S.-formed and cut fabric for Encro Macclenny Products.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

Requirements for participation in the Special Regime Program are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; 53 FR 49346, published on December 7, 1988; and FR 50425, published on December 6, 1989.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 20, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has determined that Encro Macclenny Products is in violation of the requirements for participation in the Special Access and Special Regime Programs.

Effective for entry on or after April 1, 1992, you are directed to prohibit Encro Macclenny Products from further participation in the Special Access and Special Regime Programs for a period of one year, beginning April 1, 1992 and ending March 31, 1993. Goods accompanied by Form ITA-370P which are presented to U.S. Customs for entry under the Special Access and Special Regime Programs will no longer be accepted. In addition, for the period April 1, 1992 through March 31, 1993, you are directed not to sign ITA-370P forms for export of U.S.-formed and cut fabric for Encro Macclenny Products.

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,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-30857 Filed 12-24-91; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

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

Title, Applicable Form, and Applicable OMB Control Number: Report of Medical History, SF 93 (with overprint).

Type of Request: New Collection.

Average Burden Hours/Minutes Per Response: 20 minutes.

Responses Per Respondent: One.

Number of Respondents: 500,000.

Annual Burden Hours: 166,667.

Annual Responses: 500,000.

Needs and Uses: Title 10 U.S.C. 505 and 510 established minimum standards for enlistment, appointment, and induction into the Armed Forces. Medical standards were developed which address the acceptability of persons and define deviations from these standards. Those medical fitness standards provide sufficient detail to insure uniformity in the physical qualifications of candidates for enlistment, appointment, and induction into the military service.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Office: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at Office of Management and Budget, Desk Officer, room 3235, New Executive Office Building, Washington, DC 20503.

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

Dated: December 20, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-30825 Filed 12-24-91; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Science Board Task Force on Feasibility of Employing Pit Reuse in the Production of W88 Warheads for Trident II

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Feasibility of Employing Pit Reuse in the Production of W88 Warheads for Trident II will meet in closed session on January 7-8, 1992 at Science Applications International Corporation, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will investigate the feasibility of reusing existing plutonium pits in the production of Mark 5 Reentry Body/W88 warheads for deployment in Trident II SLBMs.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: December 20, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-30826 Filed 12-24-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach—Global Power: 1995-2020 (Support Panel) will meet on 15-17 January 1992, at HQ TAC, Langley AFB, VA, HSD, Brooks AFB, TX HQ AFLC, Wright Patterson AFB, OH, 8 a.m. to 5 p.m.

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

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

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

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–30812 Filed 12–24–91; 8:45 am]

BILLING CODE 3910-01-M

Defense Logistics Agency

Cooperative Agreements Revised Procedures

AGENCY: Defense Logistics Agency, DoD.

ACTION: Cooperative agreements; proposed revised procedures.

SUMMARY: This proposed revised procedure implements chapter 142, title 10, United States Code, as amended, which authorizes the Secretary of Defense, acting through the Director, Defense Logistics Agency (DLA), to enter into cost sharing cooperative agreements to support procurement technical assistance programs established by state and local governments, private nonprofit organizations, Tribal organizations, and Indian-owned economic enterprises. Subpart III of this issuance establishes the administrative procedures proposed to be implemented by DLA to enter into such agreements for this purpose.

DATES: Comments will be accepted until January 13, 1992. Proposed effective date: January 20, 1992.

FOR FURTHER INFORMATION CONTACT: Sim Mitchell, Program Manager, Office of Small and Disadvantaged Business Utilization (DLA–UM), Defense Logistics Agency, Alexandria, VA 22304–6100, Telephone (703) 274–6471.

I. Background Information

The Department of Defense (DoD) has developed programs designed to expand its industrial base and increase competition for its requirements for goods and services, thereby reducing the cost of maintaining a strong national security. Its efforts to increase competition in the private sector have been supplemented by many state and local governments and other entities where the interest in improving the business climate and economic development in their communities is compatible with these DoD objectives. To assist in furthering this mutual interest, a Cooperative Agreement Program was established in which DoD shares the cost of establishing new and/or maintaining procurement technical assistance (PTA) programs being conducted by state and local governments, private nonprofit entities, Tribal organizations, and Indian-owned economic enterprises.

The Cooperative Agreement Program was established by the Fiscal Year (FY) 1985 DoD Authorization Act, Public Law 98–525. It amended title 10, United States Code, by adding chapter 142 and authorizing the Secretary of Defense, acting through the Director, Defense Logistics Agency (DLA), to enter into cost sharing cooperative agreements with state and local governments, other nonprofit entities, Tribal organizations and Indian economic enterprises (hereafter referred to as eligible entities as defined in section 3 of this procedure) to establish and conduct PTA programs during FY 85. The Cooperative Agreement Program continues under title 10, United States Code, as amended.

The U.S. Congress authorized a total of $9,000,000 to support the program during FY 92. Of this total, $600,000 is available for Indian programs only.

In cases where the area being or to be serviced by the eligible entity encompasses more than one Defense Contract Management District's (DCMD) area of geographic cognizance, eligible entities will submit their proposals to the DCMD having cognizance over the preponderant part of the area being or to be serviced. Only one proposal will be accepted from a single eligible entity. The names, addresses and state or geographic areas under the cognizance of the DCMD Associate Directors of Small Business are at Encl 1.

Additional limitations placed on these funds are:

(a) DoD cost sharing shall not exceed 50% of the net cost of a single program. In no event shall the DoD share of the net program cost (NPC) exceed $150,000 for programs providing less than statewide coverage and $300,000 for programs providing statewide coverage.

(b) For the Indian Program, DoD share of NPC shall not exceed 75% or $150,000, whichever is less, for programs providing services on reservation(s) within one BIA service area. For programs providing services to 100% of the reservations within one BIA service area and at least 50% of the reservations of at least one additional BIA service area, DoD share of NPC shall not exceed 75% or $300,000, whichever is less.

(c) Eligible entities cannot subcontract more than 10% of their total program costs for private profit and/or nonprofit consulting services to support the program.

(d) These limitations may be modified by the Headquarters (HQ) DLA Cooperative Agreement Policy Committee (hereafter referred to as Policy Committee) as necessary to comply with legislative or other requirements.

DoD presently provides PTA to business firms through its network of Small Business Specialists located in industrial centers around the country. To the extent resources are available, the DCMD Associate Directors of Small Business (hereafter referred to as Associate Director) located in these industrial centers, will be available to provide: (1) Eligible entities such assistance as necessary to facilitate full understanding of the solicitation requirements; (2) general guidance in preparing proposals; and (3) orientation and training assistance to PTA cooperative agreement recipients' staff during program implementation.

PTA given to clients for marketing their goods and services to Federal agencies other than DoD will not be considered when evaluating proposals. However, eligible entities are encouraged to consider supplementing their DoD program to include these Federal marketing opportunities for business firms located in the area being or to be serviced.

The purpose of the proposed revised procedure is to make available to all eligible entities the prerequisites, policies and procedures which will govern the award of cooperative agreements by DLA. Also, this procedure establishes the guidelines which will govern the administration of cooperative agreements.

Although this procedure will affect all eligible entities desiring to enter into a DLA awarded cooperative agreement, DLA has determined that this procedure does not involve a substantial issue of fact or law, and that it is unlikely to have a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. This determination is based on the fact that the proposed cooperative agreement procedure implements policies already published by the Office of Management and Budget pursuant to chapter 63, title 31, United States Code, Using Procurement Contracts and Grant and Cooperative Agreements. In addition DLA cooperative agreements will be entered into pursuant to the authorities and restrictions contained in the annual DoD Authorization and Appropriation Acts. Therefore, public hearings were not conducted.

II. Other Information

The language contained in the current cooperative agreement procedure limited the period of coverage to the FY 91 Program in that it addressed the FY 91 Authorization Act requirements in specific terms, including the exact dollar amounts of funding applicable to the Program. The proposed revision to the procedure will provide general guidance for cooperative agreements entered into by the DLA and will become a permanent document for the duration of the FY 92 program.

Comments are invited on the procedure. Comments should be submitted to the Defense Logistics Agency, ATTN: DLA–UM, Cameron Station, Alexandria, VA 22304–6100. Comments received after 13 January 1992 may not be considered in formulating revisions to the Procedure.

Cooperative Agreement Procedure

III. Proposed Revision to DLA Procedure—Cooperative Agreements

3–1 Policy

A. Proposals for cooperative agreements are obtained through the issuance of a DLA Solicitation for Cooperative Agreement Proposals, hereafter referred to as a SCAP. The contents of this procedure shall be incorporated, in whole or in part, into the solicitation to establish administrative requirements to execute and administer DLA awarded cooperative agreements. The SCAP may include additional administrative requirements that are not included in this procedure.

B. Cooperative agreements will be awarded on a competitive basis as a result of the SCAP. It is DLA's policy to encourage fair and open competition when awarding cooperative agreements. However, DoD through DLA, reserves the right to make or deny an award to an applicant if competition for DoD goods and services would be enhanced.

C. Letters of support and recommendation from Members of Congress are not necessary and will not be considered in the evaluation and selection of proposals to receive cooperative agreement awards.

D. The solicitation inviting the submission of proposals shall be given the widest practical dissemination. A copy of the SCAP will be provided to all known eligible entities and those that request copies after the solicitation is issued. All eligible entities that have advised DCMD of their interest in submitting a proposal under the SCAP will be invited to participate in preproposal conferences. The preproposal conferences will be held at the locations designated in the solicitation approximately 30 calendar days prior to the SCAP's closing date.

E. Proposals will not be accepted from applicants who apply as co-equal partners or co-equal joint ventures. Only one organization can take the lead and primary responsibility for the program.

F. Proposals will not be accepted from applicants who propose to provide less than county or equivalent coverage (i.e. parish, borough). For example, if an applicant proposes to service any part of a county, the applicant must service the entire county.

G. The SCAP shall not be considered to be an offer made by DoD. It will not obligate DoD to make any awards under this Program.

H. DoD is not responsible for any monies expended or expenses incurred by applicants prior to the award of a cost sharing cooperative agreement However, actual expenses incurred by FY 92 award recipients to participate in a preproposal conference may be reimbursed under the FY 92 cooperative agreement award subject to the provisions of the applicable cost principles.

I. DoD's share of an eligible entity's proposal and award recipient's net program cost (NPC) shall not exceed 50%, unless the eligible entity/recipient proposes to cover a distressed area. If the eligible entity/recipient proposes to cover a distressed area (as defined in paragraph 3–3, subparagraph K below), the DoD share may be increased to an amount not to exceed 75%. In no event shall DoD's share of NPC exceed $150,000 for programs providing less than statewide coverage or servicing reservation(s) within one BIA service area, and $300,000 for programs providing statewide coverage (defined in paragraph 3–3, subparagraph AG below) or servicing 100% of the reservations within one BIA service area and at least 50% of the reservations within one other BIA service area (defined in paragraph 3–3, subparagraph AE below).

J. During each FY for which funding is authorized for the PTA program, at least one cooperative agreement for either an existing program or a new start shall be awarded within the geographical cognizance of each DCMD. If the area being or to be serviced by an eligible entity encompasses more than one DCMD's area of geographical cognizance, the eligible entity should submit its application to the DCMD having cognizance over the majority of the counties or equivalent coverage (i.e. parishes, boroughs) it is servicing or proposes to service. Only one application will be accepted from a single eligible entity.

K. The award of a cooperative agreement shall not in any way obligate DoD to enter into a contract or give preference for the award of a contract to a concern or firm which becomes a client of a DLA cooperative agreement recipient.

L. The period of performance for a cooperative agreement shall cover a twelve month period.

M. To assist DoD in achieving its socioeconomic goals, applicants and cooperative agreement recipients must give special emphasis to assisting small disadvantaged business (SDB) firms which are participating or will be participating in DoD contracting opportunities. A concerted effort must be made by recipients to identify SDB firms and provide them with marketing and technical assistance, particularly where such firms are referred for assistance by a DoD component.

N. Award recipients are not required to obtain or retain private profit and/or nonprofit consulting services. Any subcontract costs being proposed for such services shall not exceed 10% of the total program cost (TPC). Subcontract costs in excess of 10% included in the eligible entity's proposal will cause the proposal to be rejected.

O. Reasonable quantities of government publications, such as "Selling to the Military," may be furnished to award recipients at no cost, subject to availability. All requests for such publications must be submitted to the cognizant Associate Director.

P. For the purpose of executing cooperative agreements, the HQ DLA Cooperative Agreement Program Manager (hereafter referred to as Program Manager) and the Associate Director are delegated the authority to execute cooperative agreements.

Q. Each cooperative agreement recipient's area of performance will be limited to the county(ies) or equivalent coverage (i.e., parish(es), borough(s)) specified in its cooperative agreement award, including modifications thereto.

R. To the extent that the annual DoD Authorization and Appropriation Acts provide for restricting some part of the total funds authorized to accommodate special socioeconomic requirements, any specific requirements related to the restricted funds which differ from this procedure will be identified in the SCAP.

S. The applicant/recipient will support the Mentor-Protege Pilot Program as required by section 831 of Public Law 101–510, "The Defense Authorization Act."

3–2 Scope.

This procedure implements chapter 142 of title 10, United States Code, as amended, and establishes procedure and guidelines for the award and administration of Cost Sharing Cooperative Agreements entered into between DLA and eligible entities. Under these agreements, financial assistance provided by DoD to recipients will cover the DoD share of the cost of establishing new and/or maintaining existing PTA programs for furnishing PTA to business entities.

3–3 Definitions.

The following definitions apply for the purpose of this procedure.

A. *Act.* The enabling legislation that authorizes the establishment and continuation of the PTA Cooperative Agreement Program each FY.

B. *Agency.* A field office of one of the twelve service area offices, as published by the Bureau of Indian Affairs (BIA), US Department of the Interior.

C. *Civil jurisdiction.* All cities with a population of at least 25,000 and all counties. Townships of 25,000 or more population are also considered as civil jurisdictions in 4 States (Michigan, New Jersey, New York, and Pennsylvania). In Connecticut, Massachusetts, Puerto Rico and Rhode Island where counties have very limited or no government functions, the classifications are done for individual towns.

D. *Client.* A recognized business entity, including a corporation, partnership, or sole proprietorship, organized for profit or nonprofit, which is small or other than small, that has the potential or is seeking to market its goods and/or services to DoD and other Federal agencies.

E. *Consultant services.* Marketing and technical assistance offered directly to cooperative agreement recipients by private nonprofit and/or profit seeking individuals, organizations or otherwise qualified business entities.

F. *Cooperative agreement.* A binding legal instrument reflecting a relationship between DLA and a cooperative agreement recipient for the purpose of transferring money, property, services or anything of value to the recipient to accomplish the requirements described in the agreement. The requirement shall be authorized by Federal statute and substantial involvement is expected between DLA and the recipient during performance of the agreement.

G. *Cooperative agreement offer/application/proposal.* An eligible entity's response to the SCAP describing its existing or planned PTA program. The offer binds the eligible entity to perform the services described in its offer if selected for an award, and upon the proposal being incorporated into the cooperative agreement award document.

H. *Cooperative agreement award recipient.* An organization receiving financial assistance directly from DLA to carry out the PTA program. The organization is the entire legal entity even if only a particular component of the entity is designated in the cooperative agreement award document.

I. *Cost matching or sharing.* The value of third party in-kind contributions and the portion of costs of a federally assisted project or program not borne by the Federal government.

J. *Direct cost.* Any cost that can be identified specifically with a particular final cost objective. No final cost objective shall have allocated to it as a direct cost any cost, if other costs incurred for the same purpose, in like circumstances, have been included in any indirect cost pool to be allocated to that or any other final cost objective.

K. *Distressed area.* The geographical area being or to be serviced by an eligible entity in providing PTA to business firms physically located within an area that:

(1) Has a per capita income of 80% or less of the State average; or

(2) Has an unemployment rate that is one percent greater than the national average for the most recent 24-month period in which statistics are available.

(3) Is a "Reservation" which includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

DoD Cooperative Agreement Program. Provides assistance to eligible entities (defined by subparagraph N below) in establishing or maintaining PTA activities to help business firms market their goods and services to the DoD and other Federal government activities.

M. *Duplicate coverage.* A situation caused by two or more applicants offering to provide marketing and technical assistance to clients located within the same county(ies) or equivalent coverage (i.e., parish(es), borough(s)).

N. *Eligible entities.* Are organizations qualifying to submit a proposal under the PTA program, including:

(1) *State government.* A State of the United States, the District of Columbia, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-state, regional, or interstate entity having governmental duties and powers.

(2) *Local government.* A county, municipality, city, town, township, local public authority (including any public Indian Housing agency under the United States Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity (such as regional planning agencies), or any agency or instrumentality of a local government. The term does not include institutions of higher education and hospitals.

(3) *Private, nonprofit organizations.* Any corporation, trust, foundation, or institution which is exempt or entitled to exemption under section 501(c)(3)–(6) of the Internal Revenue Code, or which is not organized for profit and no part of the net earnings of which inure to the benefit of any private shareholder or individual.

(4) *Indian Economic enterprise.* Any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial or business activity established or organized, whether or not such economic enterprise is organized for profit or nonprofit purposes: *Provided,* that such Indian ownership shall constitute not less than 51 per centum of the enterprise.

(5) *Tribal organization.* The recognized governing body of any Indian tribe; and legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: *Provided,* that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

O. *Existing program.* Any PTA program that was the recipient of a cooperative agreement with DLA for any two years subsequent to FY 88.

P. *Federal funds authorized.* The total amount of Federal funds obligated by the Federal government for use by the recipient.

Q. *Indian.* A person who is a member of any Indian tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the BIA and any "Native" as defined in the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

R. *Indian organization.* The governing body of any Indian tribe (as defined in subparagraph S below) or entity established or recognized by such governing body.

S. *Indian tribe.* Any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] which is recognized by the Federal Government as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

T. *Indirect cost.* Any cost not directly identified with a single, final cost objective, but identified with two or more final cost objectives or an intermediate cost objective. An indirect cost is not subject to treatment as a direct cost.

U *In-kind contributions/donations.* The value of noncash contributions provided by the eligible entity and non-Federal parties. Only when authorized by Federal legislation may property or services purchased with Federal funds be considered as in-kind contributions/donations. In-kind contributions/donations may be in the form of charges for real property and nonexpendable personal property and the value of goods and services directly benefiting and specifically identifiable to the project or program.

V. *Modified total cost.* Costs consisting of salaries and wages, fringe benefits, materials and supplies, services, travel, and subagreements and subcontracts up to $25,000 each.

W. *Net program cost.* The total program cost (TPC) (including all authorized sources) less any program income and/or other federal funds not authorized to be shared.

X. *New start.* An eligible entity that is not an existing program (see subparagraph O above for definition of an existing program).

Y. *Other Federal funds.* Include Federal funds such as that provided by the Job Training Partnership Act, and Federal agencies other than DoD. When authorized by statute, Federal funds received from other sources, including grants, may be used as cost sharing and/or cost matching contributions.

Z. *Per capita income.* The estimated average amount per person of total money income received during a calendar year for all persons residing in a given political jurisdiction as published by the U.S. Department of Commerce, Bureau of the Census.

AA. *Prior approval.* Written approval by the authorized official evidencing consent, as required by the cooperative agreement award document.

AB. *Procurement technical assistance (PTA).* A program organized to generate employment and improve the general economy of a locality by assisting business firms in obtaining and performing under Federal contracts.

AC. *Program income.* The gross income received by the recipient or subrecipient from cooperative agreement supported activities. It includes training fees received from other PTA centers and organizations. Such earnings exclude interest earned on advances. It may also include, but is not limited to, income from service fees, reimbursement for expenses incurred in conducting the program, sale of commodities, usage or initial fees, and royalties on patents and copyrights. It may be reported by the recipient on a cash or accrual basis, whichever is used for reporting outlays.

AD. *Reservation.* Includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

AE. *Service area.* Any of the twelve geographical regions, as published by the U.S. Department of the Interior, BIA to include: Aberdeen, Albuquerque, Anardako, Billings, Eastern, Juneau, Minneapolis, Muskogee, Navajo, Phoenix, Portland and Sacramento.

AF. *Solicitation for cooperative agreement proposals (SCAP).* A document issued by DLA/DCMDs containing provisions and evaluation factors applicable to all applicants which apply for a PTA cooperative agreement.

AG. *Statewide coverage.* A PTA program which proposes to service at least 50% of a State's counties or equivalent coverage (i.e., parishes, boroughs) and 75% of a State's labor force.

AH. *Subrecipient.* The legal entity to which a subagreement is awarded and which is accountable to the recipient of the cooperative agreement for the use of the PTA program funds for providing procurement technical assistance to business firms/clients.

AI. *Third party in-kind contributions.* Property or services which benefit the PTA cooperative agreement program and which are contributed by non-Federal third parties without charge to the recipient.

AJ. *Total program cost (TPC).* All allowable costs set forth in applicable OMB Circulars from all sources, to include in-kind contributions/donations and all income received from all sources, as a result of operating the program. Any Federal funds proposed for use in establishing or conducting the program must have prior approval for such use.

AK. Total quality management (TQM). Is both a philosophy and a set of guiding principles and practices that represent the foundation for continuously improving an organization. It applies human resources and quantitative methods to improve the material and services supplied to an organization, all the processes within an organization, and the degree to which the needs of the customer are met now and in the future. It integrates fundamental management techniques, existing improvement efforts, and technical tools in a disciplined and focused continuous improvement process. While operating under the principles of TQM, business firms/clients of the Government would tender goods and services whose quality not only meets but may exceed the requirements of the Government. Additionally, the quality of those goods and services would be continually improved by the producer to meet the future expectations of the Government.

3–4 Program Description

A. The objective of the PTA Program is to assist eligible entities in providing marketing and technical assistance to business firms/clients in selling their goods and services to DoD. Thus, the PTA program assists DoD in its acquisition goals. At the same time, it enhances the business climate and economies of the communities being served.

B. Program requirements to accomplish this objective will vary depending on location, the types of industries and business firms within the community, the level of economic activity in the community, and other factors.

C. A comprehensive PTA program should include, but not be limited to, the following:

(1) *Personnel.* Personnel qualified to counsel and advise business firms/clients regarding Federal procurement policies and procedures as they apply to both prime and subcontract opportunities. The areas of consideration should relate to:

(a) Marketing techniques and strategies;

(b) Pricing policies and procedures;

(c) Preaward procedures;

(d) Postaward contract administration;

(e) Quality assurance;

(f) Production and manufacturing;
(g) Financing;
(h) Subcontracting;
(i) Bid and proposal preparation; and
(j) Specialized acquisition requirements for such areas as construction, research and development, and data processing.

(2) *Counseling tools* The sources used or will be used by the eligible entity for implementing its PTA program. The following publications should be included:
(a) Commerce Business Daily;
(b) Federal Acquisition Regulations (FAR);
(c) DoD FAR Supplement;
(d) Commodity listings from Federal contracting activities;
(e) Federal and military specifications and standards; and
(f) Other Federal government publications.

(3) *Methods for providing PTA.* The eligible entity's procedures and plans for activating and developing the outreach program, including networking throughout the area being serviced or which the applicant plants to service. Examples of networking include:
(a) Locating assistance offices in areas of industrial concentration;
(b) Establishing data links with other organizations; and
(c) Crating data exchanges.

(4) *Performance measurement.* The program shall include a description of the method being used or to be used to periodically measure and verify the program's effectiveness. Factors to consider in establishing time phased goals and techniques for measuring performance against proposed goals shall consist of:
(a) The total number of procurement outreach conferences sponsored/participated;
(b) The total number of initial and follow-up counseling sessions and types of clients to be assisted, including size (small businesses and other than small businesses) and socioeconomic status (small disadvantaged and women-owned businesses);
(c) The total number of client applications submitted by business firms/clients for addition to Federal agency(ies) bidders mailing list(s); and
(d) The total number and value of DoD prime contract and subcontract awards received by business firms/clients, including the business firms/client's size (small businesses and other than small businesses) and socioeconomic status (small disadvantaged and women-owned businesses) resulting from assistance received through the recipient's program.
(e) The total number and value of other Federal agencies' prime contract and subcontract awards received by business firms/clients, including the business firms/client's size (small businesses and other than small businesses) and socioeconomic status (small disadvantaged and women-owned businesses) resulting from assistance received through the recipient's program.
(f) Award recipients are required to obtain appropriate data from their clients on the assistance provided to substantiate the effectiveness of the recipient's program.

D. *Fees and service charges.* In the event the applicant charges or plans to charge clients a fee or service charge, details as to the amount and basis for the fee or service charge must be described. Also, recipients shall not charge a commission, percentage, brokerage or other fee that is contingent upon the success of the client securing a Government contract. Any fees earned under the program are to be included as part of TPC.

3–5 Procedures.

A. The Program Manager will develop and prepare the SCAP. He/she will be responsible for assuring that adequate funds are made available to the DCMDs.

B. The SCAP will be approved by the Policy Committee and will be issued by DLA through each DCMD. The Policy Committee will be comprised of representatives from the HQ DLA Offices of General Counsel, Contracting, Comptroller, Congressional Affairs and Small Business. The Policy Committee will be responsible for reviewing the evaluations and recommendations of the Program Manager and the Evaluation Panel.

C. The Staff Director, Small and Disadvantaged Business Utilization will serve as the Policy Committee's Chairman. The Policy Committee is the final administrative appeal authority for disagreements between the Program Manager, Associate Director and the eligible entity and/or cooperative agreement recipient.

D. The evaluation of proposals submitted in response to the SCAP and the selection of award recipients will be conducted as detailed below:

(1). The Associate Director will perform an initial evaluation of each proposal received to determine if the proposal:
(a) Contains sufficient technical, cost and other information;
(b) Has been signed by a responsible official authorized to bind the eligible entity; and
(c) Generally meets all requirements of the SCAP. If the proposal does not meet all of the above requirements, the Associate Director will remove the applicant's proposal from further consideration for an award and promptly notify the applicant of the reason(s) for removal. The applicant's proposal will be retained with other unsuccessful proposals by the Associate Director. The Associate Director will forward all accepted proposals, along with his/her recommendations, to the Program Manager at HQ DLA.

(2) Under existing programs only, the applicant's PTA Performance Report, DLA Form 1806, will be attached to the proposal by the cognizant Associate Director if it is not included in the application by the eligible entity.

(3) Revised proposals will not be accepted from applicants unless the revised proposal is postmarked two working days prior to the date specified for receipt of proposals or is hand delivered prior to the time and closing date of the SCAP. Any proposal which is unsigned or otherwise rejected will not be given additional evaluation consideration and will be retained with other unsuccessful applications by the Associate Director.

(4) As part of the initial evaluation of an otherwise acceptable proposal, the Associate Director will review and verify the accuracy of the applicant's program status stated on block 8, "Type of Application" of the SF 424. If the Associate Director considers the program status misclassified, the matter will be reviewed with the applicant. If there is disagreement, the Associate Director's decision regarding the program classification is final and is not subject to further review.

(5) If the Associate Director determines that supporting documentation does not substantiate the applicant's proposed distressed area or per capita income status in part or in whole (where greater than 50% funding as the Government share is requested), the application will be disqualified and not be given further review or consideration for an award. The proposal will be retained with other unsuccessful applicants by the Associate Director.

(6) Proposals which pass the initial evaluation phase will be subjected to a comprehensive evaluation. The comprehensive evaluation is performed by a specially constituted HQ DLA Evaluation Panel comprised of small business specialists, contract management specialists, and other personnel deemed appropriate by the Policy Committee. The purpose of the

comprehensive evaluation is to assess the merits of the proposals to determine which offer the greatest likelihood of achieving the stated program objectives considering technical, quality, personnel qualifications, estimated cost, and other relevant factors. The Evaluation Panel will conduct its evaluations in accordance with stated criteria and rank proposals in order of excellence to determine which will best further DoD's program objectives. A member of the Office of General Counsel, HQ DLA, will provide legal assistance to the Evaluation Panel, as needed.

(7) Upon completion of its review, the Evaluation Panel will submit its results and it recommendations to the Program Manager.

(8) The Program Manager will determine whether sufficient funds have been allocated to the DCMD to cover DoD's share of NPC and whether any of the dollar limitations have been exceeded. The Program Manager will submit its comments and the Evaluation Panel's recommendations to the Policy Committee for review.

(9) Proposals that include duplicate coverage will be processed by the Program Manager or designated representative(s) as follows:

(a) When two or more applicants submit proposals that provide duplicate coverage of the county(ies) or equivalent coverage (i.e., parish(es), borough(s)), which the applicant plans to service, selection priority will be given to the proposal that is assigned the highest total points by the Evaluation Panel.

(b) To be considered for an award, an applicant's proposal shall not duplicate more than 25% on an individual or cumulative basis any of the county(ies) or equivalent coverage (i.e., parish(es), borough(s)) proposed by higher ranked applicant(s) as established by the Evaluation Panel.

(c) Proposals will not be accepted from applicants who propose to provide less than county or equivalent coverage (i.e., parish, borough). For example, if an applicant proposes to service any part of a county, the applicant must service the entire county.

(d) Only one statewide program will be awarded in a state.

(10) The Policy Committee will review the Evaluation Panel's award recommendations along with the Program Manager's comments. The results of the Policy Committee's review and its recommendations will be forwarded to the appropriate DCMD Commander for approval.

E. After approval of the award selections by the DCMD Commander, the cooperative agreements will be executed by the Associate Director.

3–6 Evaluation Factors.

A. The evaluation factors for new starts and existing programs, with their relative importance, will be specified in the SCAP.

B. The following evaluation factors (which may be subject to change) will be considered:

(1) Program development, performance and effectiveness. (Existing Programs only.)

(2) Types and qualifications of personnel. (Existing Programs and New Starts.)

(3) Quality of the PTA Program. (New Starts only.)

(4) Potential number of business firms/clients in the county(ies) or equivalent coverage (i.e. parish(es), borough(s)) being serviced and/or which the applicant plans to service. (Existing Program and New Starts.)

(5) The amount and percentage of net program costs to be shared by DoD. (Existing Programs and New Starts.)

(6) The level of unemployment in the area being serviced and/or which the applicant plans to service. (Existing Programs and New Starts.)

(7) The amount of subcontracting. (Existing Programs only.)

C. As this program applies both to existing PTA programs and new start programs, certain of these evaluation factors will be evaluated based upon stated implementing policy for programs being planned. For example, the types and qualifications of personnel assigned will require applicants to provide a list of personnel by name, including each of their salaries, education, previous experience (listed by technical discipline(s)), and Federal government courses which were successfully completed (including the number of hours for each course), and the percentage of time assigned or to be assigned to directly performing the program. If personnel have not been selected, the qualification standard to be used in making the selection, anticipated salary range, education, previous experience by technical discipline required by the qualification standard, and the percentage of time the individual is to be assigned to directly performing the program must be provided.

D. The amount of subcontracting to private consultants for consultant services is limited to no more than 10% of total program costs for both existing programs and new starts. However, in evaluating this factor for existing programs, the smaller the amount of subcontracting for consultant services the greater the weight that will be given. In the case of new starts, this is not an evaluation factor. New starts are subject only to the 10% limitation.

3–7 DoD Funding.

A. Any funds available for the PTA program will be allocated equitably among the DCMDs to cover the DoD share of the PTA's program costs for existing programs and for new starts.

B. If there is an insufficient number of satisfactory proposals in a DCMD to allow effective use of the funds allocated, the Program Manager will reallocate the funds among the DCMDs based upon the award recommendations made by the Evaluation Panel and Policy Committee.

C. The award recommendations must be approved by the DCMD Commander.

3–8 Cost Sharing Criteria and Limitations.

A. The DoD share of NPC shall not exceed 50%, except in a case where an eligible entity meets the criteria of a distressed area. When the prerequisite conditions to qualify as a distressed area are met, the DoD share may be increased to an amount not to exceed 75%.

B. In no event shall the DoD share of NPC exceed $150,000 for programs providing less than statewide coverage and $300,000 for programs providing statewide coverage. For the Indian Program, a request for DoD share shall not exceed 75% of NPC or $150,000 for a program providing services on reservations within one BIA service area, or $300,000 for a program providing multi-area coverage.

C. Cost contributions may be either direct or indirect costs, provided such costs are otherwise allowable in accordance with the cost principles applicable to the award. Allowable costs which are absorbed by the eligible entity as its share of costs may not be charged directly or indirectly or may not have been charged in the past to the Federal Government under other contracts, agreements, or grants.

D. The SCAP will require applicants to submit an annualized estimated budget, which may include cash contributions, third party in-kind contributions/donations, any fees and service charges to be earned under the program, and any other Federal Agency funding (including grants, loans, and cooperative agreements) authorized to be used for this program.

E. The type of value of third party in-kind contributions/donations will be limited to no more than 25% of TPC.

F. Any fees, service charges or Federal funds provided under another Federal financial assistance award,

including loans (but not including loan guarantee agreements since these do not provide for disbursement of Federal funds) are not acceptable for calculating cost contributions of the eligible entity. Although the fees, service charges and other authorized Federal funds must be included in the annualized estimated budget, they cannot be included for cost sharing purposes. Inclusion of other Federal funds in the program is subject to the terms of the award instrument containing such funds or written advice being obtained from the awarding Agency(ies) authorizing such use. Any method used by the eligible entity in providing the required funds which relies upon Federal funds must be disclosed and identified in the eligible entity's proposal.

G. Where distressed area funding (greater than 50%) is requested and the civil jurisdiction(s) which the applicant services or plans to service includes both distressed areas and non-distressed areas, the budget must: (1) Be divided based on a reasonable and logical distribution of TPC between these two distinct areas; and (b) submitted as a single proposal. In addition, the recipient's accounting system must be capable of segregating and accumulating costs in each of the two budget areas.

H. Recipients of PTA cooperative agreements are required to maintain records adequate to reflect the nature and extent of their costs and expenditures, and ensure that the required cost participation is achieved. In addition, each state and local entity that receives Federal funding is required to have audits performed in accordance with the requirements of OMB Circular A-128. Nonprofit organizations and institutions of higher education are required to have audits performed in accordance with the the requirements of OMB Circular A-133. Indian economic enterprises (for profit only) will also have an audit performed in accordance with the requirements of OMB Circular A-133. Recipients shall have the audit organization send a copy of all audit reports which pertain to the PTA cooperative agreement directly to the cognizant Associate Director.

I. The SCAP will also provide that indirect costs are not to exceed 100% of direct costs. OMB Circular A-21, limits reimbursement of administrative costs to 26% of modified total direct costs for educational institutions.

J. In the event the applicant charges or plans to charge a fee or service charge for PTA given to clients, or to receive any other income as a result of operating the PTA Program, the estimated amount of such reimbursement is to be clearly identified in the proposed budget and shall be included as part of TPC.

K. The following OMB Circulars will be used to determine allowable costs in performance of the program:

(1) OMB Circular No. A-21, Cost Principles for Educational Institutions;

(2) OMB Circular No. A-87, Cost Principles for State and Local Governments; and

(3) OMB Circular No. A-122, Cost Principles for Nonprofit Organizations. This circular will also be used by for profit organizations.

3-9 Administration.

A. Cooperative Agreements will be assigned to the cognizant DCMD for postaward administration.

B. The Associate Director or designee at the cognizant DCMD will be responsible for performing in-depth reviews. These in-depth reviews will be performed annually for existing programs and semiannually for new starts during the effective period of each cooperative agreement. The review will include management control system, budgeted versus actual expenditures, performance factors, and quarterly performance report data. The result of the review will be furnished to the recipient and a copy will be provided to the Program Manager.

C. For eligible entities covered by OMB Circular No. A-102, Grants and Cooperative Agreements with State and Local Governments, Common Rule, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; or OMB Circular No. A-110, Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-profit Organizations, the administrative requirements specified in those circulars will apply.

DCMD Procurement Technical Assistance Cooperative Agreement Program Managers

State or area	DCMD	Associate director for small business
Delaware, District of Columbia, Kentucky, Maryland, Michigan (inclusive of Alcona, Arenac, Bay, Genesee, Hillsdale, Huron, Iosco, Jackson, Lapeer Lenawee, Macomb, Midland, Monroe, Oakland, Ogemaw, Oscoda, Saginaw, St. Clair Sanilac, Tuscola, Washtenaw, Gladwin and Wayne counties), New Jersey, Ohio, Pennsylvania, Virginia and West Virginia.	DCMD Mid-Atlantic, 2800 South 20th St., P O. Box 7478, Philadelphia, PA 19101-7478. For courier service delivery: DCMD Mid-Atlantic (DCMDM-DU), Bldg. 6-2, Pole 47B, 2800 S. 20th St., Philadelphia, PA 19145.	Mr Thomas B. Corey, Telephone (215) 737-4006, Toll Free (PA only) 1-800-843-7694. Toll Free (Others) 1-800-258-9503.
Colorado, Illinois, Indiana, Iowa, Kansas, Michigan (except Alcona, Arenac, Bay, Genesee, Hillsdale, Huron, Iosco, Jackson, Lapeer Lenawee, Macomb, Midland, Monroe, Oakland, Ogemaw, Oscoda, Saginaw, St. Clair Sanilac, Tuscola, Washtenaw, Gladwin and Wayne counties), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, Wisconsin and Wyoming.	DCMD North Central, O'Hare Int'l Airport, 10601 West Higgins Rd., P.O. Box 66926, Chicago, IL 60666-0926.	Mr James L. Kleckner Telephone (312) 825-6020, Toll Free 1-800-637-3848.
Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.	DCMD Northeast, 495 Summer Street, 8th Floor Boston, MA 02210-2184.	Mr John T McDonough, Telephone (617) 451 4317/8, Toll Free (MA) 1-800-348-1011 (Outside MA) 1-800-321-1861.
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas (except El Paso, Hudspeth, and Presidio counties and portions of Culberson, Jeff Davis, Brewster and Terrell counties or Zip Codes 789xx and 799xx), and Puerto Rico.	DCMD South, 805 Walker Street, Marietta, GA 30060-2789.	Mr Howard Head, Jr, Telephone (404) 590-6196, Toll Free 1-800-331-6415, (GA Only) 1-800-551-7801
Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas (inclusive of El Paso, Hudspeth and Presidio counties and portions of Culberson, Jeff Davis, Brewster and Terrell counties, or counties in the 789xx or 799xx Zip Codes), and Washington.	DCMD West, 222 N. Sepulveda Blvd., El Segundo, CA 90245-4394.	Ms. E. Renee Deavens, Telephone (213) 335-3260 Toll Free (CA only) 1-800-233-6521 Toll Free (Others) 1-800-624-7373.

Sim C. Mitchell,

Cooperative Agreement Program Manager, Small and Disadvantaged Business Utilization.

[FR Doc. 91-30742 Filed 12-24-91, 8:45 am]

BILLING CODE 3620-01-M

DEPARTMENT OF EDUCATION

Indian Education National Advisory Council; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: Tuesday, January 21, 1992, 9 a.m. to approximately 5 p.m.

ADDRESSES: Ramada Renaissance at Techworld, 999 Ninth Street NW., Washington, DC 20001-9000. Telephone: 202/898-9000.

FOR FURTHER INFORMATION CONTACT: Robert K. Chiago, Executive Director, National Advisory Council on Indian Education, 330 C Street SW., room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/732-1353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (part C, title V, Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to Federal education programs in which Indian children or adults participate or from which they can benefit.

The meeting is open to the public. The agenda includes reports by the Chairman and the Executive Director; a review of items to be included in the Fiscal Year 1991 Annual Report to Congress; the development of Council initiatives and workplan for the remainder of the 1992 fiscal year; and finalizing a work agenda for the White House Conference on Indian Education, January 22-24, 1992. Guest presenters will include Mr. Buck Martin, Director, White House Conference on Indian Education, Dr. John Tippeconnic, Director, Office of Indian Education and a representative from the Department of the Interior.

Records shall be kept of all Council proceedings open to the public and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington, DC 20202-7556.

Dated: December 19, 1991.

Robert K. Chiago,

Executive Director National Advisory Council on Indian Education.

[FR Doc. 91-30743 Filed 12-24-91, 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 91-61-NG]

Northridge Petroleum Marketing U.S., Inc.; Order Granting Blanket Authorization to Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order authorizing Northridge Petroleum Marketing U.S., Inc., to import up to 200 Bcf of natural gas from Canada and to export up to 300 Bcf of natural gas to Canada over a two-year period beginning on the date of first import or export.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 11, 1991.

Anthony J. Como,

Director, Office of Coal and Electricity Office of Fuels Programs Fossil Energy

[FR Doc. 91-30866 Filed 12-24-91, 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-69-NG]

Northern States Power Co.; Application for Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on September 5, 1991, and amended on October 21, 1991, by Northern States Power Company (Wisconsin) (NSPW), for authorization to import up to 7,500 Mcf per day of natural gas from Canada over a 10-year term commencing on the later of November 1, 1992, or the date of first delivery. NSPW would import the gas from Canadian Occidental Petroleum Company Ltd. (Canadian Occidental) under a gas purchase agreement dated November 1, 1990. The gas would be imported at the international border near Emerson, Manitoba, where Great Lakes Gas Transmission's (Great Lakes) pipeline system interconnects with TransCanada PipeLines Limited (TransCanada). Great Lakes would deliver the import volumes to Viking Gas Transmission (Viking) which in turn would transport the gas to NSPW's distribution facilities at Eau Claire, Wisconsin. NSPW states that no new pipeline construction is required for the proposed import.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed in Washington, DC, at the address listed below no later than 4:30 p.m., Eastern time, January 27, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-070, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: NSPW is a public utility incorporated in the State of Wisconsin and a wholly-owned subsidiary of Northern States Power

Company (Minnesota) (NSPM). According to its application, NSPW provides electricity and natural gas service to customers in upper and central Wisconsin as well as Michigan's Upper Peninsula.

Under its gas sales contract with Canadian Occidental, NSPW has agreed to purchase a minimum annual quantity. Minimum purchases for the peak period months of December through February would be 75 percent of the sum of the daily contract quantities (DCQ) for those months, and 40 percent for the remainder of the year. If NSPW does not meet minimum annual purchase requirements of 65 percent, the contract requires it to pay a gas inventory charge of $.25 per MMBtu times the shortfall. The contract DCQ (7,500 Mcf) is also subject to adjustment if NSPW does not make minimum purchases that average at least 65 percent of DCQ in any contract year.

The contract price for the DCQ service consists of a two-part demand/commodity price. The monthly demand rate would equal the product of the DCQ average for the month times the sum of the monthly demand tolls for transportation service on the TransCanada and Nova pipeline systems. The commodity price to be paid in any month would equal the product of the base commodity price of $1.70 (U.S.) per MMBtu, as adjusted annually to reflect changes in the weighted average cost of gas (WACOG) for spot purchases at Kansas, Texas and Oklahoma, and by changes in prices for eight mid-western gas utilities under long-term import contracts, times a predetermined monthly adjustment factor. The contract provides for renegotiation and, absent agreement, arbitration of the commodity price and the commodity price adjustment mechanism if it fails to track changes in the WACOG of NSPW's gas purchases or the weighted average price of long-term Canadian gas exported to the U.S. midwestern market.

In support of its application, NSPW asserts the pricing, renegotiation, and arbitration provisions in its gas sales contract provide sufficient flexibility to assure a competitive price that will reflect market conditions throughout the term of the contract. NSPW also submits that the long-term imports are needed and secure. According to its application, NSPW's natural gas demand between 1987 and 1990 increased from 11.4 to 14.1 Bcf, and NSPW anticipates at least a 5 percent annual growth rate for near-term deliveries. Finally, NSPW states that Canadian Occidental estimates it has over 35 Bcf of available reserves to supply its needs over the ten-year contract. According to NSPW, security of supply is further ensured by contract provisions that permit Canadian Occidental to substitute alternate gas supplies from other producers as long as there is no interruption in supply. In the event non-delivery of gas volumes exceeds ninety days, NSPW is entitled to terminate the contract by providing 30-days notice.

The decision on NSPW's application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In the case of a long-term arrangement such as this, other matters that will be considered in making a public interest determination include need for the natural gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. NSPW asserts that this import arrangement is in the public interest because it is needed, competitive, and its natural gas source will be secure. Parties opposing the import arrangement bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of NSPW's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 19, 1991.

Clifford P. Tomaszewski,

Acting Assistant Deputy Secretary for Fuels Programs, Office of Fossil Energy

[FR Doc. 91–30865 Filed 12–24–91, 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91-59-NG]

Tenaska Gas Co.; Application for Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Department of Energy; Office of Fossil Energy.

ACTION: Notice of application for long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on August 6, 1991, by Tenaska Gas Co. (Tenaska), for authorization to import up to 15,000 MMBtu (approximately 15,000 Mcf) per day of natural gas form Pertro-Canada beginning on the effective date of the requested authorization through December 31, 2011. The imported gas would enter the U.S. at the international border near Sumas, Washington, and be transported through the pipeline facilities of Cascade Natural Gas Corporation (Cascade) to a combined cycle, gasfired cogeneration facility being developed by Tenaska Washington, Inc. (TWI). The TWI facility would use the imported gas as part of its system supply to produce electricity for sale to the Puget Sound Power and Light Company and steam for sale to an as yet unidentified company. Cascade would construct and operate facilities on the international border to implement transportation of the gas.

The application is filed under section 3 of the Natural gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., Eastern time January 27, 1992.

ADDRESS: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy; Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586–9478.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9482.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Tenaska is a Nebraska Corporation with offices in Omaha, Nebraska. Tenaska has entered into a gas purchase agreement with Petro-Canada, a Canadian corporation, dated July 29, 1991, under which Petro-Canada would supply up to 15,000 MMBtu per day of natural gas to Tenaska for resale to TWI's proposed cogeneration facility. The term of the contract continues for seventeen years following commencement of commercial operation of TWI's cogeneration facility, or December 31, 2011, whichever occurs earlier. Commercial operation of the cogeneration facility is expected to begin by October 1, 1993. The TWI cogeneration facility would be a "qualifying facility' under section 201 of the Public Utility Regulatory Policies Act and would be located in Whatcon County, Washington.

Under the terms of the Tenaska/Petro-Canada gas purchase agreement, Tenaska must take or pay for eighty percent of the daily contract quantity of 15,000 MMBtu of natural gas. If Tenaska fails to take the prescribed minimum volume, then Tenaska must pay Petro-Canada a deficiency payment equal to the difference between the commodity price under the terms of the Tenaska/Petro-Canada contract and Canadian spot market prices for the volumes not taken as required by the contract.

The price of the imported gas would be computed under a pricing formula which, according to the applicant, would take into account market indexes for both domestic and Canadian natural gas prices. The formula does this by tying the price of the imported gas to the actual annual average market index price published in the Natural Gas Week and Inside F.E.R.C.'s Gas Market Report. This index price represents the price for one month's gas sales transactions at the interconnection of the gas transmission system of Westcoast Energy, Inc. and Northwest Pipeline corporation near Sumas, Washington, and at the mainline gas receipt points of Northwest Pipeline Corporation located in the Rocky Mountains times a fraction the numerator of which is $1.70 (U.S.) per MMBtu of natural gas and the denominator of which $1.25 (U.S.) per MMBtu. The contract price is computed by averaging a monthly escalation price and the actual annual average market index price subject to a ceiling and a floor price. The contract provides that the monthly escalation price for the period January 1, 1993, through October 31, 1993, shall be $2.00 (U.S.) per MMBtu of natural gas, and shall be escalated monthly at the rate of one-half of one percent beginning on November 1, 1993. The contract also provides that the ceiling price for calendar year 1993 shall be $2.05 (U.S.) per MMBtu of natural gas and shall be escalated at the rate of eight and one-fourth percent each year thereafter. The floor price for the calendar year 1993 is also set at $2.05 (U.S.) per MMBtu and shall be escalated at the rate of four percent each year thereafter.

The Tenaska/Petro-Canada contract further provides that Tenaska is not responsible for any specific Canadian transportation costs for the gas but rather is obligated to pay a demand charge equal to thirty-five percent of what the cost of the Canadian gas would be if the daily contract quantity were delivered each day of the month and a commodity charge equal to sixty-five percent to the cost of the gas actually delivered each month.

In support of its application, Tenaska asserts that the price of the imported gas would be competitive because the pricing formula requires that the price of the gas track the marketplace price of gas and has escalator provisions that restrict wide swings in the price of the gas. Security of supply is assured, according to the applicant, by Petro-Canada's three trillion feet of proven reserves of natural gas and by a contract warranty provision under which Petro-Canada must deliver the daily contract quantity or reimburse Tenaska for the cost of obtaining alternate supplies of fuel to replace the delivery shortfall. Further, Tenaska states that the gas is needed to provide part of the gas requirements for TWI's proposed cogeneration facility.

The decision on Tenaska's application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In the case of a long-term arrangement such as this, other matters that will be considered in making a public interest determination include need for the natural gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. Tenaska asserts that this import arrangement is in the public interest because it is needed, competitive, and its natural gas source will be secure. Parties opposing the

proposed import arrangement bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C., 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR ¶590.316.

A copy of Tenaska's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 19, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91–30864 Filed 12–24–91; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4087–3]

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 January 27, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: New Source Performance Standards (NSPS) (subpart E) for Municipal Incinerators—Reporting and Recordkeeping Requirements (EPA No. 1058.04, OMB No. 2060–0040).

Abstract: This ICR is for an extension of an existing information collection in support of the NSPS for Particulate Matter (PM) as established by the Clean Air Act. In accordance with the general requirements under 40 CFR part 60.7–60.8, and the specific requirements for PM emissions by municipal incinerators under 40 CFR part 60.50–60.54, subject facilities must comply with certain monitoring, recordkeeping, and reporting requirements. The information collected will be used by the EPA for monitoring, inspection, and enforcement efforts directed at ensuring facility compliance with this NSPS.

Owners or operators of new sources subject to this NSPS must submit to EPA: (1) Notification of the date of construction or reconstruction, (2) notification of the anticipated and actual dates of the start-up, and (3) initial performance tests results. Owners and operators of existing facilities must notify EPA of any physical or operational change to their facility which may result in an increase in the regulated pollutant emission rate. Existing facilities must also maintain records on the incinerator operation that include: (1) The occurrence and duration of any start-up, shutdowns, and malfunctions, (2) initial performance test results, and (3) daily charging rates and operating hours.

Presently, there are an estimated 79 facilities subject to the regulation, with the regulated universe expanding at an annual rate of 7 new facilities. All subject facilities must maintain records related to compliance for two years.

Burden Statement: Public reporting burden for this collection of information is estimated to average 81 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collection of information. Public recordkeeping burden is estimated to average 87.5 hours, annually.

Respondents: State or local governments, Businesses or other for-profit organizations.

Estimated Number of Respondents: 7 reporters, 86 recordkeepers.

Estimated Number of Responses per Respondent: One.

Estimated Total Annual Burden on Respondents: 8,092 hours.

Frequency of Collection: On occasion for reporting, daily for recordkeeping.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460,

and

Troy Hillier, Office of Management and Budget, Office of Information and

Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: December 18, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-30836 Filed 12-24-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4087-1]

Class II Underground Injection Control Program Advisory Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advisory Committee Meetings.

SUMMARY: The Class II Underground Injection Advisory Committee will meet on Tuesday and Wednesday, January 21 and 22, in Alexandria, Va. to continue work on construction and areas of review for Class II Injection Wells.

DATES: On January 21, the meeting will begin at 9 a.m. and end at 5 p.m. On January 22, the meeting will begin at 8:30 a.m. and end at 3:30 p.m.

ADDRESSES: The meetings will take place at the Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Va. 22314, 703-684-5900, 1-800-362-2779.

FOR FURTHER INFORMATION CONTACT: For information on substantive issues, contact Jeffrey Smith, EPA, Water Office, (202) 260-5586. On administrative matters, contact Angela Suber, EPA, Regulatory Development Branch, at (202 260-7205, or John Lingelbach, Committee Co-Chair, at (202) 887-1037.

Dated: December 19, 1991.

Charles Kirtz,

UIC Advisory Committee Designated Federal Official.

[FR Doc. 91-30837 Filed 12-24-91, 8:45 am]

BILLING CODE 6560-50-M

[OPPT-59927; FRL 4010-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). In the Federal Register of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 4 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 92-70, 92-71, 92-72, December 29, 1991.

Y 92-73, December 15, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 92-70

Manufacturer. Confidential.

Chemical. (C) Polyester urethane.

Use/Production. (G) Coatings for textiles. Prod. range: Confidential.

Y 92-71

Manufacturer. Confidential.

Chemical. (C) Polyester urethane.

Use/Production. (G) Coatings for textiles. Prod. range: Confidential.

Y 92-72

Importer Unichema North America.

Chemical. (G) Alkanedibasic acids, propanediol, N-alkanol polyester.

Use/Import. (S) Plastizer. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat).

Y 92-73

Importer. Confidential.

Chemical. (G) Polyester resin.

Use/Import. (G) Electrostatic powder coatings. Import range: Confidential.

Dated: December 19, 1991.

Douglas W. Sellers,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 91-30772 Filed 12-24-91, 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

December 18, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0034.

Title: Application for Construction Permit for Noncommercial Educational Broadcast Station.

Form Number: FCC Form 340.

Action. Revision.

Respondents: Non-profit institutions.

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 48 responses; 171.56 hours average burden per response; 8,235 hours total annual burden.

Needs and Uses: FCC Form 340 is used to apply for authority to construct a new noncommercial educational AM, FM and TV broadcast station, or to make changes in the existing facilities of such a station. On 9/26/91, the FCC adopted a Report and Order, MM Docket No. 87-267, Review of the Technical Criteria for the AM Broadcast Service. In this R&O a number of major steps have been taken to improve technical standards and thus to reduce the level interference in the existing band, to encourage certain existing licensees to move into the expanded portion of the AM band, and to consolidate existing broadcasting facilities in order to further reduce congestion and interference in the existing band. The form has been revised to include this service. The form has also been changed to include modified policies concerning adjudicated actions or pending adjudications of relevant misconduct by broadcast applicants. The data is used by FCC staff to determine whether the

applicant meets basic statutory requirements to become a Commission licensee.

OMB Number: 3060–0027.

Title: Application for Construction Permit for Commercial Broadcast Station.

Form Number: FCC Form 301.

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 916 responses; 193.59 hours average burden per response; 177,328 hours total annual burden.

Needs and Uses: FCC Form 301 is used to apply for authority to construct a new commercial AM, FM, or TV broadcast station, or to make changes in the existing facilities of such a station. On 9/26/91, the Commission adopted a Report and Order, MM Docket No. 87–267, Review of the Technical Assignment Criteria for the AM Broadcast Service. In this R&O a number of major steps have been taken to improve technical standards and thus to reduce the level of interference in the existing band, to encourage certain existing licensees to move into the expanded portion of the AM band, and to consolidate existing broadcasting facilities in order to further reduce congestion and interference in the existing band. There will be a 30 minute increase in burden for applicants for AM facilities filing in compliance with an Allotment Plan to Migrate to the expanded band. The form has been changed to include this service. The form has also been revised to include character qualification questions and to incorporate fee processing data. The data is used by FCC staff to determine whether applicant meets basic statutory requirements to become a Commission licensee.

OMB Number: 3060–0029.

Title: Application for New Broadcast Station License.

Form Number: FCC Form 302.

Respondents: Non-profit institutions, businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden. 1,080 responses; 136.49 hours average burden per response; 147,409 hours total annual burden.

Needs and Uses: Licensees and permittees of AM, FM and TV broadcast stations are required to file FCC Form 302 to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations. On 9/26/91, the Commission adopted a Report and Order, MM Docket No. 87–267, Review of the Technical Assignment Criteria for the AM Broadcast Service. In this R&O a number of major steps have been taken to improve technical standards and thus to reduce the level of interference in the existing band, to encourage certain existing licensees to move into the expanded portion of the AM band, and to consolidate existing broadcasting facilities in order to further reduce congestion and interference in the existing band. There will be a 30 minute increase in burden for applicants for AM facilities filing in compliance with an Allotment Plan to Migrate to the expanded band. The form has been changed to include this service. The form has also been revised to include character qualification questions and to incorporate fee processing data. The data is used by FCC staff to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data is then extracted from FCC Form 302 for inclusion in the subsequent license to operate the station.

Federal Communications Commission.

Donna R. Searcy,

Secretary

[FR Doc. 91–30804 Filed 12–24–91, 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

[Notice 1991–23]

Rulemaking Petition: Congressman William Thomas; Availability

AGENCY: Federal Election Commission.

ACTION: Rulemaking Petition: Notice of availability.

SUMMARY: On December 5, 1991, the Commission received a Petition for Rulemaking from Congressman William Thomas. The petition requests the Commission to consider amending its regulations governing the transfer of funds from nonfederal committees to federal political committees. The petition is available for public inspection in the Commission's Public Records office. Further information is provided in the supplementary information which follows.

DATES: Statements in support of or in opposition to the petition must be filed on or before February 10, 1992.

ADDRESSES: Comments must be made in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463.

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

Rulemaking Petition: Notice of Availability

Petitioner has requested that the Commission reconsider its regulations governing the transfer of funds from nonfederal committees to federal political committees. Current regulations allow nonfederal committees to transfer funds to federal committees so long as the funds are not composed of any contributions that would violate the Act, so-called "soft money." 11 CFR 110.3(c)(6). The petitioner alleges that the regulations are ineffective, because they "do not address the loophole through which this 'soft money' is often spent by nonfederal committees to raise 'hard' dollars that are then transferred to federal committees." The petitioner urges the Commission to "conduct a rule-making procedure to ensure that Federal Election law is fully enforced to the extent that 'soft money' is not indirectly used by nonfederal committees to raise funds that will be used in Federal races."

Copies of the Petition for Rulemaking are available for public inspection at the Commission's Public Records Office, 999 E Street, NW., Washington, DC 20463, Monday through Friday between the hours of 9 a.m. and 5 p.m. Statements in support of or in opposition to the Petition for Rulemaking must be submitted in writing by February 10, 1992.

Dated: December 20, 1991.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 91–30777 Filed 12–24–91, 8:45 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Los Angeles, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations.

Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200441–001

Title: Los Angeles/Containerfreight Transportation Co. Lease Agreement.

Parties: City of Los Angeles, Containerfreight Transportation Company.

Synopsis: The Agreement, filed December 17, 1991, revises the lease description of the premises to be used by the tenant, Containerfreight Transportation Company. The premises is defined as Bay No. 1 of Municipal Warehouse No. 16 and not the entire Warehouse.

Agreement No.. 224–200600.

Title: Los Angeles/Stevedoring Services of America Crane Assignment Agreement.

Parties: City of Los Angeles, Stevedoring Services of America.

Synopsis: This Agreement, filed December 12, 1991, provides for the assignment of two cranes owned by the Los Angeles Harbor Commission to Stevedoring Services of America on a nonexclusive preferential basis. The assignment term for the two cranes, Container Cranes Number 209–18 and 209–19, shall be on a month-to-month basis.

Dated: December 19, 1991.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary

[FR Doc. 91–30731 Filed 12–24–91, 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Program Announcement 913]

Grants for Injury Control Research Centers and Injury Control Research Program Project Grants; Amendment

A notice announcing the availability of Fiscal Year 1992 funds for grants to support Injury Control Research Centers (IRGRCs) and Injury Control Research Program Projects (RPPGs) was published in the **Federal Register** on June 17, 1991, (56 FR 22762). The notice is amended as follows:

1. On page 27762, third column, under the heading "Availability of Funds," following the first sentence insert the following: "An additional $900,000 is available for evaluation research in the area of youth violence in high risk communities."

2. On page 27762, third column, under the heading "Purpose," in the first paragraph, insert the following publication within the references already listed: "Forum on Youth Violence in Minority Communities: Setting the Agenda for Prevention."

3. On page 27763, third column, under the heading "Evaluation Criteria," insert the following before the first paragraph: "Applications may be subjected to a preliminary evaluation by a peer review group to determine if the application is of sufficient technical and scientific merit to warrant further review. CDC will withdraw from further consideration those applications judged to be nonresponsive and will so notify in writing the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be responsive will be further evaluated as described below."

All other information and requirements of the June 17, 1991, **Federal Register** notice remain the same.

Dated: December 18, 1991.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 91–30778 Filed 12–24–91, 8:45 am]

BILLING CODE 4160–18–M

Administration for Children and Families

Meeting of the U.S. Advisory Board on Child Abuse and Neglect

AGENCY HOLDING THE MEETING: Administration for Children and Families.

TIMES AND DATES: 9 a.m., January 7, 1992; 2:45 p.m., January 10, 1992.

PLACE: Aerospace Building, Auditorium—Sixth Floor, 370 L'Enfant Promenade, SW., Washington, DC.

STATUS: The meeting is open to public observation at all times.

MATTERS TO BE CONSIDERED: During portions of this meeting the Executive Committee of the Advisory Board will hold preliminary discussions on the form, content, nature and scope of the 1992 and 1993 annual reports of the Board. During other portions of this meeting, the full Board will: Meet with the National Research Council Panel on Research on Child Abuse and Neglect; hold a symposium on the relationship of child maltreatment to foster care; discuss a proposed plan of Board activities for FY 1992–FY 1993; discuss the form, content, nature, and scope of the 1992 and 1993 reports; interact with the Federal Task Force on child Abuse and Neglect; hear from a British social services manager on the British approach to child protection; discuss new rules governing the compensation of Board members; receive a briefing on important programs of the National Center on Child Abuse and Neglect as well as the Children's Bureau; receive an updating on the reorganization of the Administration for Children and Families, the Secretary's initiative on child abuse and neglect, and National Center and Children's Bureau developments since the September, 1991 meeting; hear presentations on neonatal home visiting; and discuss Board papers on research, child fatalities, and child protective services reform.

CONTACT PERSON FOR MORE INFORMATION: Eileen H. Lohr, Program Assistant, U.S. Advisory Board on Child Abuse and Neglect, room 2433, Switzer Building, Washington, DC. 20201, (202) 245–6670.

Dated: December 17, 1991.

Byron D. Metrikin-Gold,

Executive Director, U.S. Advisory Board on Child Abuse and Neglect.

[FR Doc. 91–30863 Filed 12–24–91; 8:45 am]

BILLING CODE 4130–01–M

Health Care Financing Administration

Reconsideration of Disapproval of Illinois State Plan Amendment (SPA); Hearing

AGENCY: Health Care Financing Administration, HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on February 6, 1992, at 10 a.m.; the 15th Floor; Conference Room; 105 W. Adams Street, Chicago, Illinois to reconsider our decision to disapprove Illinois SPA 91–07.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by January 10, 1992.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, suite 110, Security Office Park, 7000 Security Blvd., Baltimore, Maryland 21207, Telephone: (410) 597–3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Illinois State plan amendment (SPA) number 91–07.

Section 1116 of the Social Security Act (the Act) and 42 CFR, part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a

State plan or plan amendment. The Health Care Financing Administration (HCFA) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and space of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as *amicus curiae* must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Illinois SPA 91–07 contains the State's Medicaid fee schedule for obstetrical and pediatric services and data alleging at least 50 percent of obstetrical and pediatric practitioners are full Medicaid participants.

The issue here is whether the plan amendment meets the statutory provisions of section 1926(a) of the Act and thus, also complies with section 1902(a)(30)(A) of the Act.

Section 1926 of the Act, as added by section 6402 of the Omnibus Budget Reconciliation Act of 1989, Public Law 101–239, requires that no later than April 1 of each year (beginning in 1990) States are to submit plan amendments specifying their payment rates for obstetrical practitioner services and pediatric practitioner services. States must provide specific information to document that those payment rates are sufficient to enlist enough providers such that obstetrical and pediatric services are available to Medicaid recipients at least to the extent that such services are available to the general population in the geographic area (section 1902(a)(30(A) of the Act).

HCFA has determined that for obstetrical and pediatric rate SPAs to be approvable, they must include the following:

1 Payment rates for this year and next year (i.e. 1991 and 1992) for those obstetrical and pediatric services covered under the State s plan. Pediatric rates must be specified by procedure; we recommend the same format be followed for obstetrical services;

2. Data that document that payment rates for obstetrical and pediatric services are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographical area, and,

3. Data that document that payment rates to health maintenance organizations (HMOs) under section 1903(m) of the Act take into account the payment rates specified in number 1 above.

HCFA has also developed several guidances, that if met by the State, would evidence that the State meets the statutory requirements of section 1926 of the Act. These guidelines are set forth in a draft State Medicaid manual (SMM) revision dated March 26, 1990. In accordance with these guidelines, a State is instructed to provide data, on a county-by-county or other appropriate substate geographic basis, documenting its compliance with at least one of the three guidelines.

Based upon the data submitted, HCFA determined that Illinois' amendment did not comply with the statutory requirements of section 1926, and thus, also did not comply with section 1902(a)(30)(A) of the Act. The State intended to demonstrate adequacy of access utilizing guideline number 1 (Practitioner Participation) from the March 26 draft SMM revision. The State had argued that it met the statutory requirements under guideline 1 of the draft SMM revision, which instructs the State to document its compliance with the statute by submitting data showing that at least 50 percent of obstetrical and pediatric practitioners are full Medicaid participants or that Medicaid participation is at the same rate as Blue Shield participation. The State claimed that they exceed the 50 percent criteria. However, the State had not defined a "participating practitioner". In addition, HCFA has a number of concerns about the data itself.

First, the State provided data on total obstetrical providers, total pediatric providers, total Medicaid obstetrical providers and total Medicaid pediatric providers.

In SPA 90–21, Illinois stated that because their Medicaid claims processing system does not separate family practitioners from other physicians, they have only incorporated family practitioners into the group of practicing pediatricians. In order to accurately determine the rate of obstetrical and pediatric practitioners in Medicaid, the State was asked to break-out the data for family practitioners by those who provide obstetrical care, pediatric care or both obstetrical and pediatric care. In this SPA, the State did not address the family practitioner data issue, and HCFA is unable to determine whether the State has broken-out the data by those who provide obstetrical care, pediatric care or both obstetrical and pediatric care.

Second, in 6 of 16 regions, the percentage of Medicaid obstetrical providers exceeds 100 percent. For example, Illinois states that, in region thirteen, 136.36 percent of all obstetrical providers participate in the Medicaid program. HCFA believes the data are flawed because Medicaid participating practitioners exceed total practitioners. If a practitioner is providing services in more than one country, he/she must be included in the total universe and not just the Medicaid participating total. The total universe must include *all* practitioners providing obstetrical services in the region. Therefore, percentages should not exceed 100 percent. Thus, HCFA is unable to accurately determine the rate of obstetrical and pediatric practitioners in Medicaid.

Third, there are three regions that do not meet the 50 percent criteria for obstetrical services. The State has attempted to prove equal access for Medicaid individuals in DuPage and Lake Counties by showing that the ratio of Medicaid participating practitioners to the Medicaid population is no less than that of non-participating practitioners to the general population. However, the State's ratio has not shown that access by Medicaid participating practitioners to Medicaid recipients is equal to or greater than access by non-participating practitioners to the non-Medicaid population. The State's documentation would be acceptable if the State's data showed at least 50 percent of the obstetrical/pediatrician practitioners in the State provided services to Medicaid recipients (and no ratio would be needed). Absent this, the State's ratio attempts to show that access to a practitioner is equivalent for Medicaid and non-Medicaid individuals.

However, this ratio essentially is showing access to a practitioner's time. It assumes that participating practitioners only treat Medicaid patients and nonparticipating practitioners only treat non-Medicaid patients. While this assumption is valid for non-participating practitioners (as that is how they are defined), it is not necessarily true for participating providers. The ratio is only valid if the State specifies the percentage of time that the participating practitioner provided services to Medicaid and non-Medicaid recipients.

The State has not included data or accounted for those obstetrical and

pediatric nonphysician practitioners cited in the statutory definition of obstetrical and pediatric services. If nonphysician practitioners, such as certified nurse practitioners or nurse midwives, render obstetrical or pediatric services in Illinois, they should be included in the State's data.

The notice to Illinois announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Mr Phil Bradley,
Director, Division of Medical Programs, Illinois Department of Public Aid, 201 South Grand Avenue, East Springfield, Illinois 62762–0001

Dear Mr Bradley: I am responding to your request for reconsideration of the decision to disapprove Illinois State Plan Amendment (SPA) 91–07. The amendment contains the State's Medicaid fee schedule for obstetrical and pediatric services and data alleging at least 50 percent of obstetrical and pediatric practitioners are full Medicaid participants.

Section 1926 of the Act, as added by section 6402 of the Omnibus Budget Reconciliation Act of 1989, Public Law 101–239, requires that by no later than April 1 of each year (beginning in 1990) States are to submit plan amendments specifying their payment rates for obstetrical practitioner services and pediatric practitioner services. States must provide specific information to document that those payment rates are sufficient to enlist enough providers such that obstetrical and pediatric services are available to Medicaid recipients at least to the extent that such services are available to the general population in the geographic area (section 1902(a)(30)(A) of the Act).

The issue in this matter is whether the plan amendment meets the statutory provisions of section 1926(a) of the Act and thus, also complies with section 1902(a)(30)(A) of the Act.

I am scheduling a hearing on your request for reconsideration to be held on February 6, 1992, at 10 a.m., the 15th Floor; Conference Room; 105 W. Adams Street, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, Part 430.

I am designating Mr Stanley Katz as the presiding officer If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (410) 597–3013.

Sincerely,

Gail R. Wilensky,
Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR section 430.18).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program).

Dated: December 18, 1991.

Gail R. Wilensky,
Administrator, Health Care Financing Administration.

[FR Doc. 91–30818 Filed 12–24–91, 8:45 am]
BILLING CODE 4120–03–M

National Institutes of Health

National Institutes of Allergy and Infectious Diseases; Meeting of AIDS Liaison Subcommittee of the AIDS Research Advisory Committee, NIAID

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the AIDS Liaison Subcommittee of the AIDS Research Advisory Committee, National Institute of Allergy and Infectious Disease, on January 24, 1992, in Building 31C, Conference Room 6, at the National Institutes of Health, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8 a.m. until adjournment on January 24. The subcommittee will discuss the mission and directions of the Division of AIDS (DAIDS) providing input and broad programmatic advice on the DAIDS extramural program with respect to basic and clinical research. Attendance by the public will be limited to space available.

Ms. Patricia Randall, Office of Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institutes of Health, Bethesda, Maryland 20892, telephone (301–496–5717) will provide a summary of the meeting and a roster of the committee members upon request.

Ms. Jean Noe, Executive Secretary, AIDS Research Advisory Committee, DAIDS, NIAID. NIH, Solar Building, room 2A22, 6003 Executive Boulevard, Rockville, Maryland 20892, telephone (301–496–0545) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunologic, Allergic and Immunologic Disease Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health).

Dated: December 18, 1991.

Susan K. Feldman,
Committee Management Officer, NIH.

[FR Doc. 91–30821 Filed 12–24–91, 8:45 am]
BILLING CODE 4140–01–M

Meeting of the Planning Subcommittee of the Board of Regents of the National Library of Medicine

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Planning Subcommittee of the Board of Regents of the National Library of Medicine on January 9–10, 1992, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to approximately 5 p.m. on January 9, and from 9 a.m. to adjournment on January 10. This is the second meeting in a series of three to discuss and determine the role of the National Library of Medicine in serving the information needs of those concerned with toxicology and the environment. Attendance by the public will be limited to space available.

Ms. Susan P. Buyer, Deputy Assistant Director for Planning and Evaluation of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, telephone 301–496–8834, will provide a summary of the meeting, a roster of subcommittee members, and substantive program information upon request.

(Catalog of Federal Domestic Assistance program No. 93.879—Medical Library Assistance, National Institute of Health.)

Dated: December 18, 1991.

Susan K. Feldman,
Committee Management Officer, NIH.

[FR Doc. 91–30817 Filed 12–24–91, 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–250–4370–02]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given, under authority of 43 CFR part 1784, that the Wild Horse and Burro Advisory Board.

SUMMARY: Notice is hereby given, under authority of 43 CFR part 1784, that the Wild Horse and Burro Advisory Board will meet in the Washington, DC, area on January 28–30, 1992, at the Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia 22209, from 9 a.m. to 4:30 p.m. on January 28 and 29 and from 9 a.m. to 12 noon on January 30.

DATES: January 28–30, 1992.

ADDRESSES: Director (250), Bureau of Land Management, LS—room 206, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION OR TO SCHEDULE OR SUBMIT TESTIMONY, CONTACT: John S. Boyles, Chief, Division of Wild Horses and Burros, at the above address; telephone (202) 653–9215.

SUPPLEMENTARY INFORMATION: The purpose of the Board is to advise the Secretary of the Interior, the Director, Bureau of Land Management (BLM), the Secretary of Agriculture, and the Chief, Forest Service, on matters pertaining to management and protection of wild free-roaming horses and burros on the Nation's public lands. At this meeting, the Board will discuss topics shown in the agenda below.

The meeting will be open to the public. Members of the public may make oral statements to the Board on January 29, 1992, starting at 3:15 p.m. Persons wishing to make statements should notify the BLM at the address or telephone number given above by January 17, so that time can be scheduled for their presentations. Depending on the number of speakers, it may be necessary to limit the length of each presentation. Speakers should address specific wild horse and burro issues related to the topics on the agenda. Speakers must submit a written copy of their testimony to the address given above or bring a written copy to the meeting. Persons who wish to provide testimony but who are unable to attend the meeting may submit a written statement to the address above.

The proposed agenda for the meeting is:

Tuesday, January 28: Morning: Review of draft report to the Secretaries of the Interior and Agriculture; discussion of wild horse and burro research needs.

Afternoon: Discussion of options and innovations for management and control and ways to develop leadership in the wild horse and burro program.

Wednesday, January 29: Morning: Review of second draft of report; briefing on Fiscal Year (FY) 1992 budget and review of FY 1990 expenditures.

Afternoon: Outreach briefing by the BLM Washington Office Public Affairs Staff; public comment period.

Thursday, January 30: Morning: Briefing on wild horse and burro strategic plan by BLM Nevada State Director; Advisory Board report presented to the Secretaries of the Interior and Agriculture, or their representatives.

Dated: December 20, 1991.

Cy Jamison,

Director, Bureau of Land Management.

[FR Doc. 91-30844 Filed 12-24-91; 8:45 am]

BILLING CODE 4210-84-M

[G-010-4352-12/GS-0102]

Seasonal Closures in Bisti Wilderness and De-na-zin Wilderness; Off-Road Vehicle Restrictions in Aztec Gilia Area of Critical Environmental Concern

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Use Restrictions.

SUMMARY: To protect candidate or listed species under the Endangered Species Act, use restrictions are announced by the Farmington Resource Area, Albuquerque District.

Areas within ¼ mile of any active raptor nest will be posted and closed during the nesting season in the Bisti Wilderness.

Areas within ¼ mile of any active raptor nest will be posted and closed during the nesting season in the De-na-zin Wilderness.

Off-Road Vehicle use in the Aztec Gilia Area of Critical Environmental Concern will be limited to designated roads and trails.

SUPPLEMENTARY INFORMATION: Seasonal closures in the Bisti Wilderness and De-na-zin Wilderness are affected to protect the Ferruginous Hawk, a Category 2 species under the Endangered Species Act, and the Golden Eagle and Prairie Falcon, two species of special concern. These species are particularly susceptible to disturbance by human approaches. Affected area is approximately 125 acres per nest. Season of closure will be generally from March 15 to July 15. Authority for these closures is found in 43 CFR part 8364 and 43 CFR 8560.1-1, and is in keeping with management prescriptions as detailed in the Bisti Wilderness Management Plan of 1986 and the De-na-zin Wilderness Management Plan of 1989. Any person who fails to comply with a closure issued under 43 CFR part 8364 may be subject to the penalties provided in 43 CFR 8360.0-7: violations are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Off-Road Vehicle restrictions in the Aztec Gilia Area of Critical Environmental Concern (ACEC) are affected to protect Gilia formosa, a Category 2 species under the Endangered Species Act. Affected area is approximately 6,400 acres. Authority for this restriction is found in 43 CFR 8340, and violations are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. These restrictions are in keeping with the designation for this area as described in the Farmington Resource Management Plan of 1988; Aztec Gilia ACEC was inadvertently omitted from the notice of Off-Road Vehicle designation published in the **Federal Register** on September 1, 1988 (53 FR 33881).

FOR MORE INFORMATION CONTACT: Christopher Barns or Bill Falvey, BLM Farmington Resource Area, 1235 La Plata Highway, Farmington, New Mexico 87401; phone number (505) 327-5344.

Dated: December 16, 1991.

Robert T. Dale,

District Manager.

[FR Doc. 91-30815 Filed 12-24-91; 8:45 am]

BILLING CODE 4310-FB-M

[NV-943-02-4214-10; N-52289]

Termination of Segregative Effect of Withdrawal Application; Nevada

December 13, 1991.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action notifies the public that the segregative effect on the Department of Energy's withdrawal application N-52289 terminated on December 8, 1991.

EFFECTIVE DATE: December 8, 1991.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, (702) 785-6526.

SUPPLEMENTARY INFORMATION: Pursuant to the regulation 43 CFR 2310.2-1(e), at 9 a.m. on December 8, 1991, the following described lands were relieved of the segregative effect of withdrawal application N-52289.

Mount Diablo Meridian

T. 23 N., R. 20 E.,
- Sec. 2, Lots 3 and 4, S½NW¼, NW¼SW¼, S½SW¼;
- Sec. 3, Lots 1-4, S½N½, S½;
- Sec. 4, Lot 1, S½NE¼, SE¼;
- Sec. 9, E½;
- Sec. 10, All;
- Sec. 11, E½E½, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
- Sec. 12, NW¼NE¼, S½NE¼, NW¼, S½;
- Sec. 14, S½NW¼;
- Sec. 15, S½NE¼, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
- Sec. 16, NE¼.

The area contains 3,892.02 acres in Washoe County.

Marla B. Bohl,

Acting Deputy State Director, Operations.

[FR Doc. 91-30739 Filed 12-24-91; 8:45 am]

BILLING CODE 4310-HC-M

Bureau of Indian Affairs

Crow Irrigation Project Operation; Maintenance Rates

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Public notice.

PURPOSE: Proposed increase to the Crow Irrigation Project Operation and maintenance rates.

SUMMARY: The Bureau of Indian Affairs is proposing to increase the operation and maintenance rate of the Crow Irrigation Project from $10.60 to $11.60 per assessable acre. The cost to operate and maintain the irrigation project have increased since the last operation and maintenance rate increase and these cost are anticipated to increase in Fiscal Year 1992.

The projects annual operation and maintenance charges are based on the estimated normal operating cost of the project for one Fiscal Year. Copies of the proposed 1992 budget may be acquired from the Superintendent of the Crow Agency, Bureau of Indian Affairs, Crow Agency, Montana 59022. A self addressed manila envelope with postage must be included when making your request.

The due date for all operation and maintenance charges will be May 1 of each calendar year.

Interest and/or penalty fees will be assessed on all (Trust, and Fee assessed lands) delinquent operation and maintenance charges as prescribed in the 42 Bureau of Indian Affairs Manual and the Code of Federal Regulations, chapter 4, part 102. Government agencies, such as Federal, State and Tribal Governments are exempted from interest and/or penalty fees.

This notice will be published and posted at the following locations:

U.S. Post Offices

Crow Agency, Mt. 59022
Hardin, Mt. 59034

Newspaper

Big Horn County News
Hardin, Mt. 59034

Bureau of Indian Affairs

Crow Agency
Crow Agency, Mt. 59022.

COMMENT PERIOD: All comments concerning the proposed 1992 operating and maintenance charges for the Crow irrigation project must be in writing and addressed to the Superintendent of the Crow Agency, Crow Agency, Montana 59022. All written comments will be accepted on or after December 23, 1991, but no later than the close of business of January 24, 1992.

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to the Code of Federal Regulations, chapter 25, part 171 under the authority delegated to the Area Director, by the Assistant Secretary of Indian Affairs and the Deputy Assistant Secretary of the Interior (Departmental Manual, chapter 3, part 230, (3.1 & 3.2)).

Richard Whitesell,

Billings Area Director.

[FR Doc. 91-30740 Filed 12-24-91; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Reclamation

San Luis Unit Drainage Program, Central Valley Project, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings, INT DES 92-36.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a draft environmental impact statement (DEIS) on the San Luis Unit Drainage Program investigation. The DEIS describes and presents the environmental effects of no action plus four alternatives that will address agricultural drainage needs of the San Luis Unit through at least the year 2007 and be compatible with potential long-term solutions.

DATES: A 90-day public review period commences with the publication of this notice. Within the review period, written comments on the DEIS may be submitted to the Regional Director, Mid-Pacific Region, Bureau of Reclamation at the address provided below.

Public hearings on the DEIS will be held on the following dates at the locations indicated:

Tuesday, February 4, 1992, 1 p.m. to 4 p.m., the Sacramento Hilton, 2200 Harvard Street, Sacramento, California

Wednesday, February 5, 1992, 7 p.m. to 10 p.m., the Mendota Community Center, Mendota, California

Thursday, February 6, 1992, 7 p.m. to 10 p.m., Sheraton Smugglers Inn, Fresno, California

Tuesday, February 11, 1992, 7 p.m. to 10 p.m., Concord Hilton, Concord, California

ADDRESSES: Copies of the DEIS may be requested from: Regional Director, Bureau of Reclamation, Mid-Pacific Regional Office, 2800 Cottage Way, Attention: MP-405, Sacramento CA 95825-1898; telephone: (916) 978-5039.

Copies of the DEIS are available for inspection at the address above and at the following locations:

Office of the Commissioner, Bureau of Reclamation, Technical Liaison Division, 18th and C Streets, NW., room 7456, Washington, DC 20240; telephone: (202) 208-4662.

Denver Office, Bureau of Reclamation, Library, room 167, Building 67, Denver Federal Center, Denver, CO 80225; telephone: (303) 236-6963.

Libraries:

California State University, 2000 Jed Smith Dr., Sacramento, California

Sacramento County Library, 536 Downtown Plaza, Sacramento, California

Fresno County Free Library, 667 Quince Street, Mendota, California

Merced County Public Library, 2100 O Street, Merced, California

Kings County Public Library, 401 North Douty, Hanford, California

University of California, Water Resources Center, Berkeley Archives, Collection, 410 O'Brien Hall, Berkeley, California

University of California, Shields Library, Davis, California

FOR FURTHER INFORMATION CONTACT: Michael Delamore (Chief, Drainage, Water Quality and Environment Branch, MP-405), Bureau of Reclamation, Mid-Pacific Region, (916) 978-5039; or Dr. Wayne Deason (Manager, Environmental Services Staff, Bureau of Reclamation, Denver Federal Center), (303) 236-9336.

SUPPLEMENTARY INFORMATION: The proposed action concentrates on source control, monitoring, and pilot scale-demonstration programs of new technologies to collect, treat, and ultimately dispose of concentrated brines and salts (alternative 4). Source control activities include improving irrigation efficiency, setting lands aside for alternative uses, and other onfarm activities. This alternative proposes site-specific actions to implement recommendations in the final report of the San Joaquin Valley Drainage Program as they apply to the Federal San Luis Unit.

The proposed plan addressed in this DEIS fulfills the requirement of a court settlement (Barcellos Judgment) by presenting an implementable drainage plan by December 31, 1991, for drainage service for the Westlands Water District to the year 2007, while considering the

need for consistency with long-term needs and opportunities.

The agricultural drainage problem affects the agricultural economy, fish and wildlife resources, and water quality and has the potential to affect public health. Any viable plan for agricultural drainage in the San Luis Unit must also consider and be protective of fish and wildlife, water quality, and public health.

The no action alternative identifies the impacts of future agricultural operations without implementing any of the other alternatives.

Hearing Process Information: Organizations and individuals wishing to present statements at the hearings should contact Reclamation's Mid-Pacific Regional Office at the above address to announce their intention to participate.

Requests for scheduled presentations will be accepted through 4 p.m. on February 3, 1992, and may also be made at each hearing. Requests should indicate at which hearing the speaker wishes to appear. Speakers will be called upon to present their comments in the order in which requests were received. Advance requests will be called before requests made at the hearings. Oral comments will be limited to 10 minutes per individual. Speakers not present when called will lose their position in the scheduled order and will be recalled at the end of the schedule. Written comments from those unable to attend or those wishing to supplement their oral presentations at the hearings will be accepted through March 15, 1992, by Reclamation's Mid-Pacific Regional Office at the above address. All comments received during the 90-day public comment period will be addressed in the final environmental impact statement.

Dated: December 20, 1991.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 91-30871 Filed 12-24-91; 8:45 am]

BILLING CODE 4310-09-M

Tucson Aqueduct Reliability Investigation Project, Pima Co., AZ

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement and notice of public scoping meetings.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior proposes to prepare a draft environmental impact statement (DEIS) for the Tucson Aqueduct System Reliability Investigation (TASRI) Project.

DATES AND LOCATIONS: There will be two public scoping meetings:

March 9, 1992, 6 p.m., Tucson Convention Center, 260 South Church Street, Tucson, Arizona

March 10, 1992, 6 p.m., Vesey School, 5005 South Butts, Tucson, Arizona

FOR FURTHER INFORMATION CONTACT: Mr. Kurt W. Flynn, Environmental Division, Arizona Projects Office, Bureau of Reclamation, P.O. box 9980, Phoenix, Arizona 85068, telephone: (602) 870-6768.

SUPPLEMENTARY INFORMATION: The United States agreed, in the April 1986 Plan 6 Funding Agreement, to evaluate alternatives that "if approved by the Secretary [of the Interior] will provide as reasonably reliable a supply of municipal and industrial (M&I) water for the water users in the Tucson area as is provided for other major Central Arizona Project M&I water subcontractors * * *."

Tucson's location at the end of the aqueduct system and the existence of nine pumping plants between Phoenix and Tucson, Arizona, increases Tucson's vulnerability to routine maintenance outages. This difference in reliability between Phoenix and Tucson is the motive for the TASRI project.

The DEIS will analyze the environmental issues involved with alternatives that provide the municipal and industrial water users of the Tucson, Arizona, area with a supply of water that is as reasonably reliable as that provided other major central Arizona municipal and industrial water subcontractos.

Analysis will include, but not be limited to, the no action alternative, above-ground storage, ground-water storage/retrieval, and physical modifications to the aqueduct system. Combinations of one or more of the above alternatives, as well as any other alternatives identified during the public scoping process, may be included in the analysis. The DEIS is expected to be completed and available for review and comment by early 1993.

Based on public comment to date, Reclamation has developed the following list of significant environmental issues:

- Loss of desert habitat.
- Esthetic impacts to parks and surrounding areas.
- Impacts on plants and wildlife including threatened or endangered species.
- Impacts on properties listed or eligible for listing on the National Register of Historic Places.
- Use of Tucson Water's existing well system rather than building new facilities.
- Aquifer contamination and depletion.
- Creation of wetland and riparian habitat.
- Quality of drinking water.
- Impacts to landowners and residences.
- Impacts to Indian reservation land.
- Assistance in flood control.
- Impacts to air quality during construction.
- Creation of recreational benefits.

Reclamation will consult with other Federal, State, and local agencies with specific expertise regarding environmental impacts resulting from the TASRI Project.

Written comments may be sent to Mr. Kurt W. Flynn at the Arizona Projects Office, address above. To ensure inclusion in the environmental analysis, the comments should be received by this office no later than April 10, 1992. Comments submitted to Reclamation as a result of previous TASRI public involvement will automatically be considered in the preparation of the DEIS.

Dated: December 19, 1991.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 91-30781 Filed 12-24-91; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 764266

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import one male and one female captive born Anoa (*Bubalus depressicornis*) from Diergaarde Blijdorp, Rotterdam, Netherlands, for captive breeding.

PRT 744878

Applicant: Institute for Wildlife Studies, Arcata, CA.

The applicant requests the following amendments to their current permit which allows live-trapping, bleeding, and placement of telemetry transmitters on bald eagles (*Haliaeetus leucocephalus*): 1. Request authorization to remove up to two bald eagle nestlings

per year for purposes of fostering failing nest sites on Santa Catalina Island; 2. authorization to harass bald eagles to obtain prey samples for contaminant studies on prey species. No more than one prey item per individual eagle will be sampled per month; 3. transfer eggs from wild nests on Catalina Island to the San Fransisco Zoo for artificial rearing and transfer of nestlings from the zoo to Santa Catalina Island for fostering to wild nests.

PRT 764416

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import two male and two female captive born Gabot's tragopans (*Tragopan caboti*) from the Guangxi Normal University, People's Republic of China, for captive breeding purposes.

PRT 763825

Applicant: A.L. Cuming, Watkinsville, GA.

The applicant requests a permit to import eight male and four female captive-bred, white-eared pheasants (*Crossoptilon crossoptilon*) and eight male and four female captive-bred, brown-eared pheasants (*Crossoptilon mantchuricum*) for breeding purposes.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: December 20, 1991.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 91–30807 Filed 12–24–91; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR part 18).

File no. PRT 762093.

Applicant: Oregon Coast Aquarium, 2820 SE Ferry Slip Road, Newport, OR 97365.

Type of Permit: Public display.

Name and Number of Animals: Alaskan sea otter (*Enhydra lutris*); one male and two females.

Summary of Activity to be Authorized: The applicant proposes to import these animals for public display. The otters were obtained as beached and stranded animals due to the 1989 Exxon Valdez oil spill, Anchorage, Alaska, and are currently being held at the Vancouver Public Aquarium, Vancouver, B.C., Canada.

Source of Marine Mammals for Public Display: 1989 Exxon Valdez oil spill, Anchorage, Alaska.

Period of Activity: Duration for life of the animals.

Concurrent with the publication of this notice, the Office of Management Authority is forwarding copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments and/or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: December 20, 1991.

Maggie Tieger,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 91–30808 Filed 12–24–91; 8:45 am]

BILLLING CODE 4310–55–M

National Park Service

Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 10 a.m. (PST) on Saturday, January 11, 1992 at the Presidio Golden Gate NCO Enlisted Club, Lincoln Boulevard and Sheridan Avenue, Presidio of San Francisco, California.

The Advisory Commission was established by Public Law 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties.

Members of the Commission are as follows:

Mr. Richard Bartke, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Dr. Howard Cogswell
Brig. Gen. John Crowley, USA (ret)
Mr. Margot Patterson Doss
Mr. Neil D. Eisenberg
Mr. Jerry Friedman
Mr. Steve Jeong
Ms. Daphne Greene
Ms. Gimmy Park Li
Mr. Gary Pinkston
Mr. Merritt Robinson
Mr. R.H. Sciaroni
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The main agenda item at this public meeting will be receiving public comment on the Presidio Concepts Workbook, a work-in-progress report on planning for uses of the Presidio of San Francisco, issued by the National Park Service in November 1991. The Presidio will be transferred to the National Park Service when the U.S. Army vacates the post, expected in late 1994.

The National Park Service is interested in learning which items identified in the Presidio Concepts Workbook the public feels have merit for further evaluation as alternatives for the future of the Presidio as part of the Golden Gate National Recreation Area. The public's comments on the concepts will be considered along with technical and feasibility analyses as the Presidio Planning Team develops more detailed alternatives.

A Draft Plan Amendment (which includes a proposed plan and several alternatives) and an accompanying Environmental Impact Statement (EIS) are scheduled to be released by the National Park Service for public comment in the fall of 1992. The Final Plan Amendment and Final Environmental Impact Statement are expected in the summer of 1993.

Copies of the Presidio Concepts Workbook can be obtained by calling (415) 556–7385.

The meeting will also contain a Superintendent's Report.

This meeting is open to the public. It will be recorded for documentation and transcribed for dissemination. Minutes of the meeting will be available to the public after approval of the full Advisory Commission. A transcript will be available after January 31, 1992. For copies of the minutes contact the Office of the Staff Assistant, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

Dated: December 18, 1991.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 91–30853 Filed 12–24–91; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation 337–TA–328]

Certain Bathtubs and Other Bathing Vessels and Materials Used Therein; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above captioned investigation terminating the following respondent on the basis of a consent order agreement: SWC Industries, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on December 20, 1991.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Streets, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205–1802.

Issued: December 20, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–30861 Filed 12–24–91; 8:45 am]

BILLING CODE 7020–02–M

[332–288]

Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports

AGENCY: International Trade Commission.

ACTION: Notice of determination.

SUMMARY: Section 7 of the Steel Trade Liberalization Program Implementation Act (19 U.S.C. 2253 note), enacted in December 1989, concerns local feedstock requirements for fuel ethyl alcohol imported by the United States from CBI-beneficiary countries. The U.S. International Trade Commission's role as outlined in this Act was to determine annually for 2 years the U.S. domestic market for ethyl alcohol during the 12-month period ending on the preceding September 30. The domestic market estimate made by the Commission is to be used to establish the "base quantity" of imports that can be imported with a zero percent local feedstock requirement. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and mixtures from the CBI-beneficiary countries.

For purposes of making determinations of the U.S. market for ethyl alcohol as required by section 7 of the Act, the Commission instituted Investigation No. 332–288, Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports, in March 1990. The Commission uses official statistics of the U.S. Departments of Commerce and Treasury to make these determinations.

Section 225 of the Customs and Trade Act of 1990 (Pub. L. 101–382, August 20, 1990) amended the original language set forth in the Steel Trade Liberalization Program Implementation Act of 1989. In the amendment, a determination of the U.S. domestic market for ethanol will be made for each year after 1989.

For the 12-month period ending September 30, 1991, the Commission has preliminarily determined the level of U.S. consumption of ethyl alcohol to be 840 million gallons. Seven percent of this amount is 58.8 million gallons. Because the law specifies that the base quantity to be used by Customs in the administration of the law is the greater of 60 million gallons or 7 percent of U.S. consumption as determined by the Commission, the base quantity for 1992 should be 60 million gallons. It should be noted that certain of the data required to make the determination is being estimated by the Commission pending finalization of Treasury and Commerce statistics through September 1991 for alcohol fuel producers. In the event that the finalized data materially change the base quantity estimate to be used in 1992, the Commission will notify the Customs Service and issue an amended **Federal Register** notice.

EFFECTIVE DATE: December 16, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Michels (202–205–3352) or Mr. James A. Emanuel (202–205–3367) in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202–205–3091. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

Issued: December 17, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-30862 Filed 12-24-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-309 (Final)]

Magnesium From Canada; Notice of Institution

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-309 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of primary magnesium,[1] that all alleged to be subsidized by the Government of Canada.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: December 4, 1991.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (202-205-3179), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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.

SUPPLEMENTARY INFORMATION:

[1] The product covered by this investigation is primary magnesium, which consists of unwrought pure magnesium and magnesium alloys. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight, with magnesium being the largest metallic element in the alloy by weight. Pure and alloy magnesium are provided for in subheadings 8104.1100.00 and 8104.1900.00, respectively, of the Harmonized Tariff Schedule of the United States (HTS). Excluded from the scope of investigation are secondary magnesium and magnesium alloys which contain 70 percent or less of magnesium by weight.

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the act (19 U.S.C. 1671b are being provided to manufacturers, producers, or exporters in Canada of pure and alloy magnesium. The investigation was requested in a petition filed on September 5, 1991, by Magnesium Corp. of America (MagCorp), Salt Lake City, UT.

Participation in the Investigations and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on Friday, February 21, 1992, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on Thursday, March 5, 1992, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Friday, February 28, 1992. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on Monday, March 2, 1992, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is Friday, February 28, 1992. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs is Wednesday, March 11, 1992; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before Wednesday, March 11, 1992. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules.

Issued: December 18, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-30860 Filed 12-24-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-332]

Certain Translucent Ceramic Orthodontic Brackets; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 21, 1991, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Minnesota Mining and Manufacturing Corporation, 3M Center, St. Paul, Minnesota 55133; 3M Unitek Corporation, 2724 South Peck Road, Monrovia, California 92626; and Ceradyne Corporation, 3169–A South Redhill Avenue, Costa Mesa, California 92626. A supplement was filed on December 5, 1991. The complaint, as supplemented, alleges violations of section 337 by reason of unfair methods of competition and unfair acts in the unauthorized importation and sale of certain translucent ceramic orthodontic brackets, which allegedly infringe claims 1–2, 4, 6–8, 19, 22–23, 25–26, 28–31, 35–36, 39–40, and 42–43 of U.S. Letters Patent 4,954,080, and the claim of U.S. Letters Patent Des. 304,077; and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E. Street, SW., room 112, Washington, DC 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2572.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12.

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 18, 1991, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain translucent ceramic orthodontic brackets by reason of alleged infringement of claims 1–2, 4, 6–8, 19, 22–23, 25–26, 28–31, 35–36, 39–40, or 42–43 of U.S. Letters Patent 4,954,080, or the claim of U.S. Letters Patents Des. 304,077; and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Minnesota Mining and Manufacturing Corporation, 3M Center, St. Paul, Minnesota 55133

3M Unitek Corporation, 2724 South Peck Road, Monrovia, California 92626

Ceradyne Corporation, 3169–A South Redhill Avenue, Costa Mesa, California 92626

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Tomy Incorporated, 4–11–2 Tamagawa, Chofu-Shi, Tokyo, Japan

Dentaurum J.P. Winklestroeter, KG., Turnstr. 31, D–7536 Ispringen, Germany

GAC International, Inc., 185 Oval Drive, Central Islip, New York 11722

Dentaurum, Inc., 2 Pleasant Run, Newtown, Pennsylvania 91840

(c) Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., room 401Q, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administration Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.21. Pursuant to §§ 201.16(d) and 210.21(a) of the Commission's Rules (19 CFR §§ 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to such respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: December 18, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–30859 Filed 12–24–91; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub No. 5) (92–1)]

Quarterly Rail Cost Adjustment Factor; Notice

AGENCY: Interstate Commerce Commission.

ACTION: Approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has approved the first quarter 1992 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The first quarter RCAF (Unadjusted) is 1.168. The fourth quarter RCAF (Adjusted) is 1.040, a decrease of 1.6 percent from the fourth quarter 1991 RCAF (Adjusted) of 1.057. Maximum first quarter 1992 RCAF rate levels may not exceed 98.4 percent of maximum fourth quarter 1992 RCAF rate levels.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 927–5720, Robert C. Hasek (202) 927–6289, (TDD for hearing impaired (202) 927–5721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone

(202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927–5721.)

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: December 16, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–30801 Filed 12–24–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Discretionary Programs for Fiscal Year 1992

AGENCY: Office of Justice Programs and its components: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

ACTION: Public announcement of the discretionary program plan for the component offices and bureaus of the Office of Justice Programs for Fiscal Year 1992.

SUMMARY: The Office of Justice Programs (OJP) publishes this announcement of the discretionary programs of the Bureau of Justice Assistance, Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

ADDRESSES: Office of Justice Programs, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Gerald (Jerry) Regier, Acting Director, Bureau of Justice Assistance, room 1042, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 514–6278.

Steven D. Dillingham, Ph.D., Director, Bureau of Justice Statistics, room 1142, 633 Indiana Avenue NW., Washington, DC 20531. (202) 307–0765.

Charles B. DeWitt, Director, National Institute of Justice, room 846, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307–2942.

Robert W. Sweet, Jr., Administrator, Office of Juvenile Justice and Delinquency Prevention, room 744, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307–5911.

Brenda G. Meister, Acting Director, Office for Victims of Crime, room 1386, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307–5984.

SUPPLEMENTARY INFORMATION:

Message from the Attorney General

I am pleased to announce the publication of the Office of Justice Programs' (OJP) Fiscal Year 1992 Program Plan. It represents a landmark effort on the part of OJP to target the resources of its five agencies on the highest priorities of law enforcement in the fight against drug and violent crime. OJP comprises the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. In this Program Plan, these five agencies have unified their programs in accordance with Department of Justice priorities such as Gangs and Violent Offenders, Intermediate Sanctions and Community Policing, among others.

OJP is the primary component of the Department's effort to form partnerships with and provide assistance to State and local governments. The Justice Assistance Act of 1984 established OJP in order to foster the cooperation and coordination required to assist the criminal justice system to function effectively at the State and local level. OJP has done an outstanding job of enhancing State and local criminal justice efforts; upgrading the quality of criminal history records and statistics; conducting vital research and development; promoting programs to safeguard juveniles; and advancing the rights of victims of crime.

Violent crime and drug use have cut across all segments of our society and represent a major threat to the well-being of our Nation. The innovative programs contained herein will place Federal resources where they can truly be effective on the front lines of our cities, towns, streets and communities and in the hands of those who wage, first-hand, the daily battle to keep our neighborhoods safe and drug-free.

I strongly endorse this Fiscal Year 1992 Program Plan and commend OJP for its strong leadership and commitment to assisting law enforcement in its ongoing battle against crime and drugs.

William P. Barr,

Attorney General.

Foreword

The Office of Justice Programs (OJP) is taking a leadership role in the Department of Justice in forging Federal, State, and local partnerships that will have maximum impact on the problems of violent crime and drug-related crime. OJP's Fiscal Year 1992 Program Plan is designed to foster these cooperative efforts and, at the same time, combine the resources and expertise of each of OJP's five bureaus: The Bureau of Justice Assistance (BJA); the Bureau of Justice Statistics (BJS); the National Institute of Justice (NIJ); the Office of Juvenile Justice and Delinquency Prevention (OJJDP); and the Office for Victims of Crime (OVC).

The Office of Justice Programs has established ten priority areas for discretionary grant funding and program development in Fiscal Year 1992. These ten priority areas are designed to attack violent crime and drug-related crime on all fronts—from law enforcement to the judiciary to the community, to assure accountability for law-breakers and drug users, to assist crime victims, and to determine "what works" in the fight against drug-related crime and violence. The Fiscal Year 1992 priorities are:

- Gangs and Violent Offenders
- Victims
- Community Policing and Police Effectiveness
- Intermediate Sanctions and User Accountability
- Drug Prevention
- Drug Testing
- Intensive Prosecution and Adjudication
- Evaluation
- Money Laundering and Financial Investigations
- Information Systems, Statistics and Technology

Most programs and activities in Fiscal Year 1992 will be funded under the priorities listed above. However, there are other programs—not included in this document—which respond to specific Congressional mandates. These programs will be continued in Fiscal Year 1992 in conformance with the intent of Congress. For example, the Public Safety Officers' Benefits Program and the Regional Information Sharing System are not listed, although these programs will be fully operational in Fiscal Year 1992.

During 1991, I traveled to more than 20 cities across the United States to talk with community leaders about their experiences with drug-related crime and gang violence and what they had found to be effective in combatting these problems. It is important that OJP planning decisions, the identification of program priorities, the allocation of resources, and the development of anti-drug abuse strategies not be made in isolation. Toward that end, OJP conducted a series of National Field Studies on Gangs and Gang Violence

this year in Los Angeles, Dallas and Chicago, with a fourth session planned for early in 1992 in an East Coast city. OJP Bureau Directors also participated in the Field Studies.

The purpose of the Gang Field Studies is to learn first-hand from the people facing the terror of gang violence on a daily basis what works and what does not in combatting the problem of gang-related violent crime. The information gained from the Field Study has been invaluable in developing the Fiscal Year 1992 OJP Program Plan. Moreover, we will take what we have learned from the Gang Field Studies and develop a national strategy—a plan of action—to prevent and suppress gang activity, prosecute hard-core gang members, assist the victims of gang violence, and return gang-infested neighborhoods to their law-abiding residents.

Although OJP Bureau Directors and I learned about many promising programs through the Field Studies, all too often there was not the kind of comprehensive, coordinated effort that is important in implementing an effective drug control strategy. President Bush in his National Drug Control Strategy stated, "America's fight against epidemic illegal drug use cannot be won on any single front alone; it must be waged everywhere—at every level of Federal, State, and local government and by every citizen in every community across the country."

This comprehensive approach is the principal focus of a major Department-wide initiative called "Operation Weed and Seed," which is described in more detail in this Program Plan. It is designed to target crime in areas where it is the most severe, usually in inner-city minority communities. I am proud of the work the Office of Justice Programs is doing to implement this comprehensive strategy in communities throughout the country. I am further excited about the potential that "Operation Weed and Seed" has for revitalizing crime-infested neighborhoods and restoring hope among families who must live and work in areas where crime and related violence are rampant. You will be learning more about "Operation Weed and Seed" as the number of pilot demonstration sites is expanded in Fiscal Year 1992 across the country. I believe that "Operation Weed and Seed" is the wave of the future for combatting and preventing drug and gang-related violent crime.

I would like to thank the OJP Bureau Directors and their staffs, as well as other Federal and State officials, and representatives of national criminal justice organizations, who contributed valuable suggestions for the Fiscal Year 1992 Program Plan. Working together, through comprehensive and coordinated efforts reflected in this document, we can drive criminals and drug traffickers out of our communities and make our neighborhoods safe places in which to live, work and raise a family. The law-abiding citizens of this Nation deserve no less and we are committed to achieving that goal for this and future generations.

Jimmy Gurulé,

Assistant Attorney General.

Office of Justice Programs Weed and Seed Strategy

The Office of Justice Programs, through its discretionary grant program resources, will initiate in Fiscal Year 1992 a comprehensive strategy entitled "Operation Weed and Seed." Operation Weed and Seed is an innovative, comprehensive and integrated multi-agency approach to law enforcement and community revitalization for controlling and preventing violent crime, drug abuse and gang activity in the United States.

Operation Weed and Seed has two distinct components. The first is to utilize existing and new Federal resources to "weed out" violent criminals, illegal gang activity, drug trafficking and related violence from selected high-crime neighborhoods. Under the second component, neighborhoods will be "seeded" with social, economic and community revitalization programs. This overall strategy is based on coordination and concentration of Federal, State and local resources, both public and private.

"Weeding" (or enforcement) is accomplished by coordinating Federal, State and local criminal justice systems (law enforcement, prosecution, adjudication and correctional supervision activities). The most violent repeat offenders, drug traffickers and members of street gangs will be targeted, apprehended and incapacitated. This enforcement strategy will keep these offenders off the streets through such programs as Operation Triggerlock, a nationwide, coordinated effort to prosecute violent criminals and drug kingpins for firearms-related violations under Federal laws. This approach has a positive effect by demonstrating to community residents that criminal violators will not be released back into the community shortly after arrest. The offender is immediately removed from the streets, receives swift justice, serves a mandatory prison term and is thereby prevented from returning to terrorize the community.

An essential element of the Weed and Seed strategy is community policing. Community policing involves law enforcement working in partnership with neighborhood residents to develop solutions to the problems of violent crime and drug abuse. Through community policing, the groundwork is laid for the next phase of the Weed and Seed program.

"Seeding" (community revitalization) is accomplished by implementing and focusing a broad array of existing and new social, economic, and recreational programs in these targeted neighborhoods, once violent felons and drug traffickers have been weeded out. Historically, social programs have a better chance of succeeding if they are placed within a crime-free and drug-free environment. Seeding should involve substantial cooperation between Federal, State and local agencies, along with local business and community organizations. Examples of programs included in the seeding component are health, education, labor, housing, small business development and recreational activities. Private sector resources and community participation are essential to the success of the Weed and Seed program. All of these entities must work together in partnership with the residents of the community.

To demonstrate the Weed and Seed strategy, in Fiscal Year 1991 the Office of Justice Programs, through the Bureau of Justice Assistance (BJA), provided funding to establish the first three Weed and Seed pilot sites at Trenton, New Jersey; Kansas City, Missouri; and Omaha, Nebraska. In addition, as part of the Department's broader Weed and Seed initiative in Fiscal Year 1991, OJP through BJA entered into a public-private partnership with New York University and two private foundations to fund a 3-year, $8 million anti-drug program. The Ford Foundation is contributing $3 million and the Pew Charitable Trusts is contributing $1 million toward the program. BJA is contributing $4 million. The purpose of the program is to develop and test a comprehensive intervention strategy for controlling and preventing illegal drug use and other criminal activity among high-risk youth in drug- and crime-infested neighborhoods. The program includes recreational alternatives and tutoring for idle youth to help keep them in school, out of trouble, and out of gangs. The NYU program will be implemented in five cities across the country.

In Fiscal Year 1992, Operation Weed and Seed will be continued in order to expand the initial, or "pilot," phase of the program. Although the strategy holds great promise, much work remains to be done in developing and refining the design of the program. While resources are limited in Fiscal Year 1992, Operation Weed and Seed will be expanded to approximately eight additional sites. In Fiscal Year 1993, it is anticipated that this experimental program will be expanded further to be national in scope. The number of sites funded in Fiscal Year 1993 will be based on the level of appropriations and the availability of funds.

Additionally, OJP agencies (BJA; the Office for Victims of Crime; and the Office of Juvenile Justice and Delinquency Prevention) provide formula grant funds to the States and territories. Those funds are administered by the State criminal justice planning agencies. The OJP formula grant funds, consistent with the statutory purposes, may be used to supplement the OJP discretionary activities described above or initiate similar programs at the State and local level.

Office of Justice Programs' Components

OJP components operate together as a coordinated unit, supporting the mission of the agency in providing leadership through innovation in the administration of justice, in keeping with the direction of the Administration and the Attorney General and the priorities set forth in the National Drug Control Strategy. The following information provides a brief description of each Bureau's programs and its total Fiscal Year 1992 discretionary grant dollars. These funds may be used to implement collaborative efforts between the Bureaus in selected programs. In addition, where agreements exist between OJP Bureaus and other agencies, the known external funding has been factored into the program totals. When this occurs, it is noted in the program summary.

The Bureau of Justice Assistance (BJA) administers the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to support national drug control efforts and to improve State and local criminal justice systems. BJA's Discretionary Grant Program complements the Formula Grant Program through which funds are provided directly to the States to carry out their statewide drug control strategies. BJA funds innovative demonstration programs, some of which are national or multijurisdictional in scope; evaluates them to determine "what works" in drug and crime control; and encourages the replication of successful models through linkages with Formula Grant Funds and other resources. Discretionary Grant Funds are also used to provide enhanced training and technical assistance to State and local criminal justice personnel. The total Fiscal Year 1992 funds available for these activities are $54,050,000.

The Bureau of Justice Statistics (BJS) collects, analyzes, publishes and disseminates statistical information on crime, criminal offenders, victims of crime and the operations of justice systems at all levels of government and internationally. These objectives, critical data and analyses are used by key policymakers at the Federal, State and local levels in their efforts toward combatting drugs and crime. Generally, more than 90 percent of BJS' funds are allocated each year to ongoing statistical surveys and support entities. BJS also provides technical and financial support to State statistical and operating agencies responsible for the collection and analysis of State criminal justice data and statistics. The total Fiscal Year 1992 funds available for these activities excluding the BJA funds are $22,095,000.

The National Institute of Justice (NIJ) develops knowledge, conducts research and operates programs that support State and local efforts to combat crime and drug abuse. NIJ conducts evaluations of drug control programs and projects throughout the country. In addition, NIJ funds research and analyzes criminal justice policies and practices. NIJ tests new law enforcement and criminal justice programs and conducts demonstration projects. It operates a national and international clearinghouse for justice-related information, conducts national and regional conferences and produces publications detailing new policy options and successful programs. NIJ also provides technical assistance in the construction of correctional facilities and operates a technology and equipment program for law enforcement and corrections agencies. NIJ's unique mandate as a research and development agency requires flexibility to respond to varied needs and emerging national issues. The total Fiscal Year 1992 funds available for these activities are $23,739,000. (This does not include Fiscal Year 1991 carryover funds).

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides assistance to State and local governments to improve their juvenile justice systems and to reduce delinquency. It also coordinates activities and policy for all Federal juvenile delinquency prevention efforts and provides leadership for the Coordinating Council on Juvenile Justice and Delinquency Prevention. It awards discretionary and formula grants that address a broad array of juvenile justice and delinquency prevention issues both nationally and through State and local subgrant assistance awards. The Juvenile Justice and Delinquency Prevention Act and the Missing Children's Assistance Act authorize the Office to fund research, development, demonstration and dissemination activities that develop and communicate information about what works in all aspects of the juvenile justice system: prevention, intervention, adjudication and supervision. OJJDP provides information through training and technical assistance to policymakers, practitioners and researchers throughout the Nation. The total Fiscal Year 1992 funds available for these activities are $22,439,696.

The Office for Victims of Crime (OVC) serves as the Federal focal point for improving the treatment of crime victims and ensuring that the criminal justice system recognizes the legitimate rights and interests of innocent victims. In addition to its role as a national victims advocate, OVC's program activities include victims' assistance and compensation grants to States, training and technical assistance and the provision of emergency services to victims of Federal crimes, particularly on Indian reservations. Given the demonstrable link between drug abuse and crime, the activities of OVC are an increasingly vital component in the Nation's war against illegal substance abuse. The total funding available from the Fiscal Year 1991 Crime Victims Fund is $3,873,000.

Gangs and Violent Offenders

$6,697,139

"We will not allow our communities to be held hostage to gangs and drug dealers." President Bush, November 2, 1990 (Remarks in Cincinnati, Ohio.)

"The first duty of any civil government is to protect its citizens. Through increased Federal, State and local cooperation we must rid our Nation's communities of the violent predators who are attempting to destroy the fabric of our society." Attorney General William P. Barr.

OJP Policy Statement

Federal, State and local law enforcement must work together in partnership with the community to combat adult and juvenile gang violence

and drug trafficking. Gang-related homicides and violent crime are tragically high and gang members armed with fully-automatic weapons pose a problem of national concern. The Office of Justice Programs will initiate a comprehensive agency-wide program which will emphasize prevention, intervention and suppression of illegal gang activity. A broad range of resources will be dedicated across the full spectrum of OJP agency functions, including policy research, evaluation, program development, demonstration, training and technical assistance, and information dissemination.

OJP Program Response

Bureau of Justice Assistance (BJA)

$775,000

New Programs

Summit on Violent Crime—Southeastern Region

$125,000 [1]

One-time funding support is being provided for the Southeastern States Violent Crime Summit. These States have established a regional planning and analysis process coordinated by the State of North Carolina to address the issue of increasing rates of violent crime. The following products are anticipated: (1) The identification of the most salient indicators to predict increases in violent crime; (2) innovative, regional planning approaches to address the growing instances of violent crime; (3) Federal, State and local agreements on program approaches to be adopted and funded through the Formula Grant Program; and (4) a regional, comprehensive strategy for addressing violent crime, incorporating the elements outlined above. This joint program implementation plan for the Southern States will include specific program elements and performance indicators. The program will be implemented by an existing grantee currently providing technical assistance, including conference support services, to formula grant program participants. No additional applications will be solicited in Fiscal Year 1992.

[1] This program and the corresponding budget amount represent a Congressional "earmark" or directive as contained in the Fiscal Year 1992 Appropriations report language pertaining to the Office of Justice Programs.

Continuation Programs

Urban Street Gang Drug Trafficking Suppression

$650,000

This is a demonstration program to develop model city-wide or multijurisdictional enforcement projects to investigate and prosecute drug distribution and drug-related violent crimes by organized urban street gang networks. Up to two new sites will be competitively selected during Fiscal Year 1992. Documentation of site implementation activities and model development will be undertaken by a separately-funded technical assistance and training effort which will operate concurrently with the implementation activities. This program will be implemented by the current grantee.

National Institute of Justice (NIJ)

$2,680,000

New Program

Research and Development on Gangs and Crime

$500,000

NIJ will support new gang research projects in Fiscal Year 1992 which will emphasize prevention, intervention and suppression of illegal gang activity. Building on efforts initiated in Fiscal Year 1991, issues of interest for Fiscal Year 1992 may include factors that influence gang involvement. Also, NIJ's Fiscal Year 1992 gang programs will reflect issues identified by the OJP National Field Study on Gangs and Gang Violence and by the National Academy of Sciences. Projects will be coordinated with BJA and OJJDP. Multiple awards are anticipated. Applications will be solicited in Fiscal Year 1992.

Research on Violence

$500,000

NIJ will expand its research program to study new aspects of violent crime. Research topics of particular interest in Fiscal Year 1992 may include characteristics of offenders and victims as well as risk and protective factors; violence-prone situations; alcohol and illegal drug use in criminal violence; correctional programs for serious, violent juvenile offenders; and improvements in the identification of suspected offenders through risk assessment profiling. Multiple awards are anticipated. Applications will be solicited in Fiscal Year 1992.

Research and Development on Gangs in Public Housing

$500,000

In coordination with the OJP Task Force on Gangs in Public Housing, NIJ will support a new research program on gangs and crime in public housing developments. This program will emphasize the prevention, intervention and suppression of illegal gang activity in public housing. In Fiscal Year 1992, NIJ will assess anti-gang law enforcement activities in public housing and examine the prevalence of gang-related crime in public housing. Multiple awards may be made in Fiscal Year 1992. Methods of procurement will be determined and solicitations issued, as appropriate.

Continuation Programs

Applied Research on Gangs

$100,000

NIJ, under its Research Applications Program, will continue to support applied research on gangs and crime. Activities in Fiscal Year 1992 may include site-specific case studies on gang prevention and intervention and control programs in State and local jurisdictions. These case studies may be published as part of NIJ's Focus on Programs and Issues and Practices series. Research is being conducted under an existing contract; no additional applications will be solicited in Fiscal Year 1992.

Longitudinal Study of Criminal Behavior

$1,000,000

This is a program between NIJ and the MacArthur Foundation studies the development of delinquent and criminal behavior patterns from birth to age 30 in multiple cities, gathering data over a 7-year period. The study will employ research approaches from a variety of disciplines and theoretical perspectives in order to understand better the individual and community circumstances under which criminal careers do and do not develop. During the course of the study, experimental projects may be implemented suggesting intervention strategies to prevent or control emerging patterns of delinquency and crime. Research is being conducted by a current grantee. No additional applications will be solicited in Fiscal Year 1992.

SMART Program

$80,000

The SMART Program, an interagency collaborative effort between NIJ and the Department of Education, is a

demonstration program which provides assistance to local school districts in establishing safe, disciplined and drug-free schools. The program has been field-tested in more than 100 schools in seven districts. The program provides training, technical assistance and support in data collection and analysis, school-based team building and anti-drug strategy development. SMART Resource Centers have been established in the Anaheim, California, Union High School District and the Norfolk, Virginia, Public Schools. The Fiscal Year 1992 SMART program will expand to as many as 20 new pilot school districts. Services are being provided by a current grantee. No additional applications will be solicited in Fiscal Year 1992.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$3,242,139

New Programs

Juvenile Justice System Handling of Sex Offenses and Offenders

$200,000

Research with adult sex offenders has shown that many began their offending behavior as juveniles. Within the past decade, the juvenile justice system has begun to address the problem of juvenile sex offenders. To understand and improve the system's ability to address effectively such offenses, OJJDP will begin a study of the juvenile justice system's response to juvenile sex offenders. This grant will assess the type and nature of these responses. This assessment will examine the flow of sex offenders through the system from initial contact to adjudication and disposition. Little is known about the relationship between various types of sex offenses and the sanctions or treatment approaches employed by the justice system. The project will also assess the justice system's response to different types of offenses from voyeurism and exhibitionism to violent assault and rape. The results from this study will indicate the direction of future efforts to improve the juvenile justice system's response to the problem. Applications will be solicited competitively.

Gang Prevention and Intervention

$800,000

The objective of this program is to reduce gang violence in a selected number of cities through legal suppression, community mobilization, and early intervention with gangs. OJJDP anticipates that awards will be made for programs in selected cities. Each city would choose the particular model that best fits its needs from among the promising program models which OJJDP identifies. The specific models will represent an integration of the best approaches identified in the OJJDP sponsored programs: The Gang Suppression and Intervention Program; Boys and Girls Clubs of America's Targeted Outreach with a Gang Component and the Serious Habitual Offender Comprehensive Action Program. Applications will be solicited competitively.

Continuation Programs

Youth Gang Intervention Training

$400,000

This is a collaborative interagency program between OJJDP and the Federal Law Enforcement Training Center. The objectives of this training program are: (1) To provide a process for community leaders to recognize the benefits of cooperatively developing strategies to address the problems resulting from gang and drug activities; (2) to promote an awareness and recognition of (a) the problems of gangs and drugs, (b) justice system practices, (c) behavior patterns of gangs and gang members, and (d) current system practices and demonstration projects; (3) to provide strategies and techniques for public and private interagency partnerships dealing dynamically with community gang and drug-related problems; (4) to clarify and document the legal roles, responsibilities and issues relating to an interagency approach to the prevention, intervention and suppression of these illegal activities of youth gangs; (5) to encourage leadership and innovation in the management and resolution of gang and drug problems; and (6) to develop or improve the response capacity to issues involving gangs and drugs through an effective interagency model which matches resources to demands.

National Youth Gang Clearinghouse

$225,139

The contract to Digital Systems Research, Inc., provides funding for OJJDP's National Youth Gang Clearinghouse. The Gang Clearinghouse will: (1) Gather and disseminate current information on model programs for combating violent juvenile gangs; (2) gather and disseminate current statistical and descriptive information on violent juvenile gangs; and (3) assist in the coordination of Federal, State and local gang program development and training and technical assistance efforts by providing information to the field on relevant programs and activities. This program will be administered by the current contractor. No additional applications will be solicited in Fiscal Year 1992.

Private Sector Options for Juvenile Corrections

$300,000

The American Correctional Association is currently implementing this private sector options program which is designed to help improve the quality of juvenile correctional services by providing technical assistance to corrections administrators in analyzing existing services, redesigning service delivery and developing a competitive process for delivering services to private providers. Supplemental funds will be used to expand the number of sites receiving technical assistance from six to ten. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

School Safety

$250,000

This is a collaborative interagency program between OJJDP and the Department of Education. The purpose of this program is to provide training and technical assistance on school safety to elementary and secondary schools, as well as to identify methods to diminish crime, violence, and illegal drug use in schools and on school campuses, with special emphasis on outreach to ethnic minorities and gang-related crime. The National School Safety Center (NSSC) maintains a library and clearinghouse with specialized information, provides research on school safety issues, and develops publications and training programs. OJJDP will work with NSSC over the next year to facilitate transition of the Center toward self-sufficiency. The Department of Education is supporting this transition with a transfer of $400,000 of Fiscal Year 1991 funds for expenditure in Fiscal Year 1992. These funds will strengthen the focus on prevention of drug abuse and violence in schools. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Targeted Outreach with a Gang Prevention and Intervention Component

$400,000

This program is designed to enable local Boys and Girls Clubs to prevent youth from entering gangs and to intervene with gang members who are very early in their careers in an effort to divert them away from gangs toward

more constructive programs. The National Office of Boys and Girls Clubs will provide training and technical assistance to the 33 existing sites and will add six to eight new gang prevention and intervention sites throughout the country. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Schools and Jobs are Winners

$150,000

This gang prevention program in Philadelphia focuses on high school students in grades 10 and 11 who are in gangs; have family members who belong to gangs; are involved with drugs or alcohol use; were abused or neglected; or were arrested by police. The project will also include funding by the Private Industry Council of Philadelphia. The goals of the project are to prevent high school students from dropping out of school and joining gangs by providing educational, recreational and social services, and to provide supportive services to families of at-risk youth and extremely disadvantaged youth. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Serious Habitual Offender Comprehensive Action Program (SHOCAP)

$517,000

SHOCAP is an information and case management program on the part of police, probation, prosecution, social service, school, and corrections authorities that enables the juvenile justice system to focus additional attention on juveniles who repeatedly commit serious crimes, with particular attention given to providing relevant case information for more informed sentencing dispositions. The training and technical assistance provider is assisting 20 jurisdictions with the implementation of this model by providing intensive training and follow-up technical assistance. In addition four new sites will be developed.

The provider also serves as a clearinghouse for information on the model, which non-participating jurisdictions can access. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Victims

$17,860,000

"None of us should rest however, until all of our laws practices fully reflect the sympathy we should have for the victims of crime—and the intolerance we should have for hardened criminals." President Bush, (Proclamation 5953—Crime Victims Week, 1990).

OJP Policy Statement

The criminal justice and juvenile justice systems must strive to implement policies and programs to improve services to crime victims. OJP is committed to helping crime victims and improving the responsiveness of juvenile justice, criminal justice and victim service systems. This year's Program Plan focuses on minority victims of crime to assure that services are made accessible to them at the Federal, State and local levels. In addition, it focuses on ensuring that innocent crime victims are not revictimized by the criminal justice system.

Resources will be committed to training law enforcement officers, prosecutors and other criminal justice personnel who work with innocent victims of crime.

OJP Program Response

Bureau of Justice Statistics (BJS)

$10,495,000

Continuation Programs

The National Crime Victimization Survey (NCVS)

$10,495,000

This program is under a reimbursable agreement between BJS and the Bureau of the Census governing the work to be undertaken by Census for BJS. The National Crime Victimization Survey (NCVS) is the second largest ongoing household survey undertaken by the Federal Government and is the major national indicator of criminal victimization in American society. BJS supports the Computer-Assisted Telephone Interviewing Center (CATI) which is currently utilized in a portion of the NCVS sample. Publications expected to be released in Fiscal Year 1992 using data from a variety of sources including *Criminal Victimization, 1991, Crime and the Nation's Households, 1991; Criminal Victimization in the U.S. 1990; and Criminal Victimization in the U.S., 1973–1989 Trends.* NCVS publications on the following topics will also be released in Fiscal Year 1992: school crime, self-protective measures, rural crime, elderly victims and police response time. This program will be implemented by the current grantee, the U.S. Census Bureau. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$1,117,000

New Programs

Research and Development on Victims

$250,000

In Fiscal Year 1992, NIJ research will focus on the reduction of criminal victimization by assessing the crime prevention education efforts that are offered by some victim service agencies and police departments. Projects also may examine how well the criminal justice system is responding to the needs of victims and witnesses and how this is affecting the willingness of citizens to get involved and cooperate with the criminal justice system. Also, studies will explore the causes and prevention of victimization and the responses to the needs of crime victims by victim service providers and others. Methods of procurement will be determined and solicitations issued, as appropriate.

NIJ Program on the Elderly Against Crime

$317,000

The purpose of this program is to support local teams of law enforcement personnel, elderly volunteers and victim service providers in coordinating their efforts to prevent crimes against the elderly and to provide assistance to those victimized. This program may provide funding that results in a training and implementation manual, a source-book of crime prevention and victim assistance resources for use by the elderly and a script for a video to promote the program. Methods of procurement will be determined, and solicitations issued, as appropriate.

Initiative on Child Abuse and Neglect

$250,000

This program may focus on one or all of the following three areas: (1) Increasing our understanding of the influence of child abuse and neglect on criminal behavior; (2) identifying and promoting various improvements in the justice system response to child abuse and neglect; and (3) contributing to improvements in justice-related data on child abuse and neglect. One specific area of focus within this program will be the relationship between parental drug abuse and family violence. The program is coordinated with the Office of Justice Programs' (OJP) Task Force on Child Abuse and Neglect and some projects may be supported by more than one agency within OJP. The program includes a mix of both basic and applied

research. Multiple grant awards are anticipated and solicitations will be issued, as appropriate.

Research on Underutilization of Victim Services in Minority Communities

$250,000

The purpose of this research is to determine the utilization of victim services by minority and low-income crime victims, to investigate reasons for any underutilization which may be found, to identify the special needs of these victims and to find methods to better meet these needs. This research is based on collaboration with the Office for Victims of Crime (OVC) and an examination by OVC of reporting data under the Victims of Crime Act in Fiscal Year 1991. NIJ will support a project in Fiscal Year 1992 to conduct focus groups, to develop a research instrument, to survey victim service utilization and special needs of minority and low-income victims and to analyze the survey data. The information may be used to make recommendations on what changes, if any, could be implemented in victim service program design and delivery that would increase utilization of victim services by minority and low-income crime victims. Methods of procurement will be determined and solicitations issued, as appropriate.

Continuation Programs

Project on Victims of Criminal Fraud

$50,000

This project supports a national survey which is expected to provide the first valid national estimates on the extent of victimization by criminal fraud. The research will provide information on the magnitude of financial losses and the severity of other forms of victimization. Crimes perpetrated against the elderly are of particular importance. Deficiencies in current prevention and victim assistance programs will be described and opportunities for improvements in these areas will be identified. Continued research in Fiscal Year 1992 will focus on the design of programs and strategies to reduce the incidence of criminal fraud and to deal more effectively with the perpetrators of this type of crime. This is an intramural research effort; no applications will be solicited.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$1,525,000

Continuation Programs

Permanent Families for Abused and Neglected Children

$225,000 [1]

This is a national project to prevent unnecessary foster care placement of abused and neglected children, to reunify the families of children already in care, and to ensure permanent adoptive homes when reunification is impossible. The purpose of this project is to ensure that foster care is utilized only as a last resort and temporary solution for children. Accordingly, the project is designed to ensure that the government's responsibility to children in foster care is duly acknowledged by all appropriate disciplines. The project will continue to call upon judges, social service personnel, citizen volunteers, attorneys, and others to recognize and resolve the problems of children in foster care. Project activities include national training programs for judges, social service personnel, citizen volunteers and others in the Reasonable Efforts Provision of 42 U.S.C. 671(a)(15); training in selected lead States; and development of model questions to guide risk assessment. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Advocacy for Abused and Neglected Children

$1,000,000 [1]

The National Court Appointed Special Advocates Association (NCASAA) provides training and technical assistance to local and statewide programs. It assists in program development; advocates for the best interest of abused and neglected children; publicizes the Court Appointed Special Advocate (CASA) concept which helps recruit volunteers; develops management systems and standards to improve local CASA operations; provides a resource library and resource services; gathers and publishes information about the needs of the CASA network and operation; develops cooperative relationships with other national and regional organizations; and performs a variety of related services in furtherance of its goal of assuring that every child who needs one has a CASA. There are now 412 CASA programs in 47 States, with 15,000 volunteers. There are 12 statewide programs mandated and State-funded, and 23 State associations and networks offering support services to their State's program. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

The Investigation and Prosecution of Child Abuse

$300,000

This is a collaborative intra-agency program between OJJDP and OVC in which OVC is providing all of the funding. This program is designed to provide training and technical assistance to prosecutors and related professionals on the issue of child abuse prosecution. The project also serves as a clearinghouse for child abuse prosecution information. The trial manual entitled "The Investigation and Prosecution of Child Abuse" will be updated and published. Case law on issues of child abuse prosecution will also be updated and made available through the clearinghouse. At least one national training event will be held, and the recipient will also participate in several State-level training sessions during the supplemental grant period. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Office for Victims of Crime (OVC)

$4,723,000

New Programs

Law Enforcement Curricula—Victims of Hate Crimes

$150,000 [1]

This is a collaborative intra-agency program between OVC and BJA with BJA providing all of the funds. The purpose of this program is to develop a training curriculum for criminal justice and victim assistance professionals for dealing with victims of hate crime. The first stage will consist of an assessment of existing policies, procedures and practices for responding to hate crimes. A prototype for responding to hate crimes will be developed based on the assessment, and a training curriculum will be developed to transfer the prototype to the field. Applications will be solicited competitively.

Family Violence Information Dissemination

$50,000 (HHS)

This is a collaborative interagency program between OVC and the Department of Health and Human Services (HHS) in which HHS is providing all of the funds. The information and documentation

provisions of the Family Violence Prevention and Services Act are intended to encourage the official reporting of incidents of family violence. This award will fund five projects of up to $10,000 each through an interagency transfer from HHS to OVC. Grantees will develop and implement a training program for law enforcement policymakers and officers on the most effective procedures and policies for responding to incidents of family violence. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992. Applications will be solicited competitively.

Prosecutor-Based Training and Technical Assistance

$210,000

This is a collaborative intra-agency program between OVC and BJA in which BJA is providing a portion of the funds. Prosecutors play a key role in responding to victims, and the training and technical assistance to help them fulfill that role is an ongoing need. This program funds the development and implementation of a model training and technical assistance program to improve the response of prosecutors' offices to the rights and needs of crime victims. The project has two phases. The first phase will focus on developing training and training materials for Federal Victim-Witness Coordinators to implement new Federal legislation concerning assistance services for crime victims and child victim-witnesses. The second phase will expand training for prosecutors to improve victim-witness assistance on the State and local level. This training will focus on measures prosecutors may take to ensure that victims are protected from harassment, intimidation and future harm; to inform them of key proceedings, such as bail hearings and plea bargains; and to help them feel safe as witnesses in court. Applications will be solicited competitively.

The Spiritual Dimension in Victim Services

$60,000

A high percentage of traumatized victims seek assistance from clergy rather than from other service or law enforcement professionals, and it is acknowledged by most clergy that generally they are untrained in the proper response to victimization. This program will provide multiple training events for clergy of all denominations about the indicators of child abuse and neglect, the operation of the child protection system, domestic violence and the issues surrounding the trauma of rape and other forms of assault. This program was selected competitively in Fiscal Year 1991 for funding in Fiscal Year 1992.

Elder Domestic Violence Law Enforcement Curriculum Development

$75,000 (HHS)

This is a collaborative interagency program between OVC and HHS in which HHS is providing all or a major portion of the funds. The problem of elder abuse is likely to grow more acute in the future as the number of older Americans who are dependent upon family members and others for long-term care increases. This award will fund the development of a training curriculum for law enforcement policymakers and officers on the most effective procedures and policies for responding to incidents of family violence involving elderly people. The curriculum developed under this grant will be designed for easy integration with other curricular materials used by police academies. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992. Applications will be solicited competitively.

Family Violence Law Enforcement Training and Technical Assistance

$375,000 (HHS)

This is a collaborative interagency program between OVC and HHS in which HHS is providing all of the funds. Law enforcement training provided under the auspices of the Family Violence Prevention and Services Act has, to date, reached approximately 50,000 law enforcement officers enrolled in State training programs. This award will build on those training activities by funding up to seven new training projects. Grant recipients will develop and implement training for law enforcement policymakers and officers on the most effective procedures and policies for responding to incidents of family violence. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992. Applications will be solicited competitively.

Training and Technical Assistance for Victims of Federal Crime in Indian Country Discretionary Grant Subgrantees

$120,000

The purpose of this program is to provide focused, short-term, on-site training and technical assistance or peer consultation to Native American Indian Tribes or Native American organizations that have received funds under the Assistance to Victims of Federal Crime in Indian Country Discretionary Grant Program. Applications will be solicited competitively.

Children's Justice Act Discretionary Grant Program for Native Americans

$302,000

The goal of this program is to bring about systemic improvement in the response to child sexual abuse on Indian reservations and other locations where Federally-recognized Indian tribes exist. Grants will be made directly to Indian tribes to improve the reporting, referral, investigation, prosecution and overall handling of child abuse cases, particularly child sexual abuse cases, in a manner that limits additional trauma to child victims. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992. Applications will be solicited competitively.

The Investigation and Prosecution of Child Abuse Through the Federal Criminal Justice System

$1,200,000 [1]

This is a collaborative intra-agency program between OVC and OJJDP in which OVC is providing all or a major portion of the funds. Technical assistance will be provided nationwide to prosecutors and other professionals involved in the prosecution of child abuse cases. This program will provide several in-depth training conferences for child abuse prosecutors and will provide training workshops in conjunction with multidisciplinary national child abuse conferences. The program will revise and update a current training manual, *Investigation and Prosecution of Child Abuse,* and add a section on prosecuting child abuse cases in Federal court. The program will serve as an information clearinghouse for prosecutors, social workers, therapists, law enforcement officers and clinicians involved with the prosecution of child abuse cases. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992. This award will be in addition to a $300,000 award listed under OJJDP's program plan as "The Investigation and Prosecution of Child Abuse." A total sum of $1,500,000 will be awarded under this project in 1992.

Continuation Programs

Emergency Assistance for Victims of Federal Crime

$100,000

Emergency Assistance for Victims of Federal Crime supports emergency needs of victims of Federal crime when services that are essential to a victim's recovery cannot be provided by any other source. Requests are made from Federal Victim-Witness Coordinators to OVC for such purposes. Direct services such as emergency shelter, crisis intervention and counseling are supported by this program.

Federal Training and Technical Assistance

$526,000

OVC will continue to improve the response of Federal law enforcement officials to the needs of Federal victims through training programs for Federal prosecutors, investigators and Victim-Witness Coordinators. Efforts will include specialized training on handling cases of child abuse in the Federal criminal justice system; an interagency agreement with the Federal Law Enforcement Training Center to train Federal law enforcement officers to respond effectively to crime victims; an interagency agreement with the FBI to enhance victim witness assistance services; joint DOD/DOJ training on victim witness assistance; and assistance for grantees in Indian country to initiate and expand victim assistance services.

Children's Justice Act Discretionary Grant Program for Native Americans

$486,000

The goal of this program is to bring about systemic improvement in the overall response to child sexual abuse on Indian reservations and other locations where Federally-recognized Indian tribes exist. Grants are made directly to Indian tribes to improve the investigation, prosecution and handling of child abuse cases, particularly those involving child sexual abuse and to limit the trauma to child victims. Ten programs funded in November 1990 are eligible to submit an application for continuation funding. These grants were awarded in November 1991. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Outreach to Victims of Federal Crime

$45,000

Native Americans have not been made aware of crime victim compensation benefits and application procedures. Service providers and crime victims in the military also have been uninformed about benefits. This program will devise strategies to make both populations aware of procedures and benefits. A video tape will be produced that describes various options and sources of help for victims of crime in Indian country. The major focus will be the availability of crime victim compensation. It will also provide information to military service providers that describes available benefits. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Assistance to Victims of Federal Crime in Indian Country

$583,000

OVC will continue to improve direct services to victims of Federal crime by making grants to States to expand victim assistance services on Indian reservations. State grantees will subgrant these funds to Indian tribes to provide services in remote areas of Indian country where U.S. Attorneys have the jurisdiction to prosecute crimes. This program will provide funds for continuation grants to 15 States and approximately 50 tribal subgrantee victim assistance programs. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Specialized Training for Federal Criminal Justice Personnel Responding to Child Sexual Abuse Cases

$40,000

This cooperative agreement supports a Federal Training Day for Federal criminal justice personnel at the National Symposium on Child Sexual Abuse. The Federal Training Day addresses issues of special concern to those handling child sexual abuse cases at the Federal level. This year a concentrated 3-day training track will be developed for teams of Federal prosecutors, law enforcement officers and victim-witness coordinators on handling child victim-witnesses in the Federal judicial system. Federal criminal justice officials attend in teams consisting of Assistant U.S. Attorneys, LECC Victim-Witness Coordinators and Federal investigators; the training will promote coordination among these professionals. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Victims Resource Center

$300,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing a portion of the funds. The National Victims Resource Center collects, maintains and disseminates information about national, State and local victims-related organizations, criminal justice officials and also State programs that receive funds authorized by the Victims of Crime Act. The National Victims Resource Center is a component of the National Criminal Justice Reference Service. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Training and Technical Assistance to Help Children Grieving Violent Death

$34,000

In the wake of rising rates of violent crimes, there is evidence that numerous children across the Nation are suffering in the aftermath of the violent deaths of loved ones. The provision of a training and technical assistance package and training events will enable victim service providers, school staff and other human service professionals to address the often overlooked needs of children who are in the process of grieving the violent deaths of family members and close friends. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Technical Assistance and Training: Empowering Survivors of Homicide

$17,000

Parents of Murdered Children (POMC) is a national self-help organization for parents and their children who experience a violent homicide in their family. Services they provide include self-help groups that meet regularly; information about the grieving process and the criminal justice system; and communication with professionals in related fields about the problems faced by those surviving a homicide victim. The present funding will support dissemination of efforts. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Judicial College

$50,000

The National Judicial College is the Nation's leading continuing education center for State trial judges. In order to improve the treatment of victims and witnesses in the courts, it is essential that a more aware and knowledgeable group of judges be trained who will promote actively the rights of victims. Victims issues will be incorporated into the existing curriculum as well as a new curriculum developed to train judges regarding victims legislation, rules and procedures. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Community Policing and Police Effectiveness

$14,205,000

"While we can place great confidence in the courage, professionalism, and skill of our law enforcement officials, we also know that government cannot do the job alone—law enforcement officers must have the respect and the support of the people they serve. Fortunately, many concerned Americans have already taken a stand to help prevent crime and to apprehend its perpetrators." President Bush (Proclamation 6359—Crime Prevention Month, October 17, 1991)

OJP Policy Statement

The criminal justice system should assume a primary role in mobilizing communities to develop comprehensive strategies for combating gang violence and preventing illegal drug trafficking. Alliances between community residents and the police are essential for making neighborhoods safe and drug-free. Through comprehensive and coordinated activities, including the police and community leaders, school officials, youth service providers, church, business, and civic leaders can work together in partnership to "take back the streets." OJP's Community Policing and Police Effectiveness activities emphasize the importance of the police and the communities working together in a relationship of trust, cooperation and partnership to promote safety and security and to rid neighborhoods of thugs and drug pushers.

OJP will focus on demonstration projects which involve promising innovations, such as mini-police stations, directed patrols and police-neighborhood ombudsmen. Community prevention and intervention efforts will be concentrated in public housing complexes, drug-free school zones, recreational parks, alternative education programs and community centers threatened by drug-related crime and illegal gang activity. This rapidly developing approach to better control crime addresses the need to prevent crime and to respond effectively to crime when it occurs.

OJP Program Response

Bureau of Justice Assistance (BJA)

$9,300,000

New Programs

Community Policing Model Development, Training and Technical Assistance

$600,000 [1]

The purpose of this program is to develop a comprehensive program model (key components, processes and activities) of Community Oriented Policing and to provide training and technical assistance to local demonstration sites participating in OJP's Community Policing Program Initiatives. The development of the model will take place through a consortium of law enforcement organizations which will identify key components, processes and activities associated with community oriented policing. The model will be demonstrated by local law enforcement agencies selected through a separate solicitation.

Community Policing Model Demonstration

$1,500,000 [1]

This is a new program which is designed for law enforcement agencies to demonstrate prototype processes and strategies for making complete organizational transitions to community policing. The first phase of this program includes the development of a plan for the full implementation of community policing throughout a local jurisdiction and the implementation of internal organizational changes.

Weed and Seed—Demonstration

$2,000,000

This program will be designed to demonstrate the Weed & Seed Program in selected jurisdictions. Weed & Seed is a comprehensive and coordinated multiagency approach to law enforcement and community revitalization. The first task, "weeding," is accomplished by utilizing the resources of the criminal justice system, including intensive law enforcement efforts to remove and incapacitate violent criminals and drug traffickers from targeted neighborhoods and housing developments. The second task, "seeding," restores the community by providing broad economic and social opportunities developed in cooperation with other Federal, State and local agencies along with public and private organizations and community groups. Up to 8 sites will be funded under the demonstration phase of this program through a limited competition.

Weed and Seed—Technical Assistance

$350,000

This program is designed to develop an Implementation Guidance Manual for the Weed and Seed Program. Technical assistance and training will be provided to facilitate the demonstration of a comprehensive and coordinated multiagency approach to law enforcement and community revitalization. The first task, "Weeding," focuses on utilizing the resources of the criminal justice system, including intensive law enforcement efforts, to remove and incapacitate violent criminals and drug traffickers from targeted neighborhoods. The second task, "Seeding," is designed to restore the community by providing broad economic and social opportunities developed in cooperation with other Federal, State and local agencies along with public and private organizations and community groups.

Continuation Programs

Organized Crime Narcotics Trafficking (OCN) Enforcement

$2,500,000 [1]

This program demonstrates a unique approach to the development and implementation of coordinated investigations and prosecutions of upper level conspiratorial narcotics trafficking. It demonstrates that shared management, using a group composed of all participating agencies, of multi-jurisdictional investigations and prosecutions can avoid the usual pitfalls of single lead agency task forces. Fiscal Year 1992 funds will continue the existing projects, continue and expand a national training program as well as continue technical assistance to project sites. Additional variations in existing sites may be implemented. This program will be implemented by the current grantees. No additional applications will be solicited in Fiscal Year 1992.

Drug Impacted Small Jurisdictions

$200,000 [1]

The purpose of this program is to demonstrate effective drug prevention and control strategies which address

drug trafficking and drug-related crime problems in jurisdictions or combinations of jurisdictions with populations of 50,000 or less. A comprehensive drug control program will be designed and implemented which features a centrally coordinated, cooperative effort with law enforcement, prosecutors, the courts, corrections, drug treatment services and the community. Additional applications will be solicited to implement activities in up to two new sites in this continuation program in Fiscal Year 1992.

Metropolitan Area Drug Enforcement Task Force

$500,000

This is a collaborative interagency program between BJA and the Drug Enforcement Administration (DEA) in which BJA is providing a portion of the funds. With the cooperation of DEA, this project targets street level and mid-level drug traffickers in the Washington, DC, Metropolitan Area. Its purpose is to establish a visible law enforcement presence in local neighborhoods; to disrupt major links between the suppliers, distributors, and users; to seize and initiate forfeitures against properties used to facilitate the sale and/or consumption of drugs; to initiate enforcement action against property owners who knowingly allow their property to be used in the distribution of illicit drugs and who fail to take action against their tenants who do so; and to develop comprehensive intelligence systems to identify the illicit drug supply source and the distribution network that is responsible for illicit drug trafficking and its associated violence. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

State and Local Training and Technical Assistance

$1,000,000

This program is designed to assist States and local jurisdictions in developing and implementing comprehensive strategies to prevent and control illegal drug trafficking and to improve their criminal justice systems. The major purposes of the program are to: (1) Support the development and enhancement of comprehensive State strategies; (2) promote and facilitate the implementation of programs developed under BJA discretionary initiatives; and (3) provide technical assistance to States and local jurisdictions. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Training Local Law Enforcement Officers in Anti-Drug Activities Involving Illegal Aliens

$150,000

This is a collaborative interagency program between BJA and the Immigration and Naturalization Service (INS). This program recognizes the unique problems faced by State and local law enforcement officers involved in narcotics investigations or other activities dealing with legal and illegal aliens. Regional training workshops are presented to provide information on criminal alien groups from a regional as well as national perspective. This program provides training on fraudulent document recognition as well as relevant training regarding U.S. Immigration and Naturalization Service procedures. The training provides an understanding of new and additional investigative possibilities in cases as well as an understanding of possible noncriminal sanctions. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Executive Working Group of State Drug Policy Officials

$300,000

This project will support the first year of Phase II of the Executive Working Group of State Drug Policy Officials, consisting of 15 senior State officials designated by their governors as the lead officials in the development of statewide drug strategies. The Working Group is designed to assist the governors' offices and inform the governors' designated representatives in the development and implementation of integrated, effective State drug control strategies. Phase I provided for an analysis of existing organizational structures in the represented States, a meeting of the Working Group and the development of a publication targeting governors and their senior staff members relative to practical, contemporary approaches to developing a statewide drug control strategy, with particular emphasis on effective integration of BJA formula grant planning in the broader State planning process. Phase II activities will involve conducting two meetings of the Working Group to address key issues identified earlier, building on the insights gained from the Phase I meeting. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Weed and Seed—Omaha

$200,000

The central focus of this program is the Omaha Community Partnership, a 23 member Steering Committee (comprised of leaders from law enforcement, corporate, political, civic, religious and community groups) who meet regularly to coordinate, support and execute neighborhood and citywide anti-crime and drug initiatives. This program was initiated in 1991 as part of the Weed & Seed Demonstration Sites. A full Weed & Seed Demonstration will be developed including a strong "Weeding" component, Community Policing, and "Seeding" activities focused on a selected neighborhood. No additional applications will be solicited in Fiscal Year 1992.

Bureau of Justice Statistics (BJS)

$1,145,000

Continuation Programs

National Incident-Based Reporting Program

$945,000

Having funded the redesign of the Uniform Crime Reporting (UCR) program of the Federal Bureau of Investigation, BJS provides support to State UCR programs in their implementation of recent changes under the National Incident-Based Reporting System. In Fiscal Year 1992, BJS intends to fund several local law enforcement agencies to demonstrate and document the utility of incident-based reporting to the law enforcement and criminal justice community. Applications will be solicited from cities following BJS site visits to implement new activities in this continuation program in Fiscal Year 1992.

Law Enforcement Management and Administrative Statistics

$200,000

This program is under a reimbursable agreement between BJS and the Bureau of the Census. The Law Enforcement Management and Administrative Statistics (LEMAS) Program provides nationally representative data on law enforcement agencies in the United States. Information gathered includes the number and characteristics of personnel, salary levels, education and training requirements, expenditures, number and types of vehicles, types of special units and agency policies. In Fiscal Year 1992, BJS will continue analysis of the 1990 data and will publish several reports, including, *Profile of State and Local Law*

Enforcement Agencies, 1990 and Profile of Sheriffs' Agencies, 1990. Additionally, the 1993 LEMAS questionnaire will be designed and new questions will be tested, as appropriate. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$3,313,000

New Programs

Research and Development on Community Policing and Police Effectiveness

$750,000

This NIJ program will continue to identify and develop innovative methods of community policing and crime analysis. Possible projects for Fiscal Year 1992 may include measuring the performance of community police officer activity and issues related to the accountability of community police officers, particularly the roles of supervisors, managers, and the community itself. Multiple awards are anticipated. Applications will be solicited in Fiscal Year 1992.

Rural Law Enforcement Initiative

$250,000

NIJ will begin to assess the efforts of law enforcement in rural environments. Knowledge about crime, disorder and law enforcement in rural America is limited to impressions from the media and anecdotal accounts from the field. Systematic assessment about the extent, nature and characteristics of crime and disorder and the response of the criminal justice system has not been undertaken. Based on this assessment, NIJ may develop pilot programs and conduct field tests of particularly promising strategies and models. Information provided by these studies could serve as the basis for demonstration and education programs. Methods of procurement will be determined and solicitations issued, as appropriate.

Drug Market Analysis: Enforcement Model

$200,000

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is providing all of the funds. This program will examine and document drug enforcement activities of current projects funded under the Drug Market Analysis Program. Researchers will provide information about computer hardware and software necessary for the development of Drug Market Analysis and will describe how computer technology is useful for drug enforcement. To assist law enforcement in "weeding" out drug traffickers, implementation guidelines and a full description of drug enforcement strategies will be products of this research effort. A cross-site analysis will be conducted to identify the most effective approaches to developing and utilizing DMA techniques. This information will be disseminated to State and local officials. Methods of procurement will be determined and a solicitation issued, as appropriate.

Research & Demonstration Projects on the Weed and Seed Initiative

$750,000

NIJ will continue to support research projects that can provide model programs and strategies for the Weed and Seed comprehensive approach to neighborhood security. Special attention will be given to research projects that support each of the major components of Weed and Seed dealing with the suppression of neighborhood drugs and crime, police/community partnerships and neighborhood reclamation. The focus will be on the development of a coordinated approach to community security through the integrated efforts of the police, citizen groups and other public and private agencies. Multiple awards may be made in Fiscal Year 1992. Methods of procurement will be determined and solicitations issued, as appropriate.

Continuation Programs

Implementation of Community Policing

$100,000

This program is developing information to support the implementation of community policing across the Nation. NIJ efforts may include technical assistance, training, clearinghouse functions and demonstrations. Studies currently underway will assess the current State of community policing in the country. NIJ grantees are identifying community-based programs and strategies throughout the country, documenting the components of these programs and developing case studies to provide detailed accounts of program strengths and weaknesses. The information will be used to provide program guidance to selected communities and police agencies. These are continuing projects; no additional applications will be accepted in Fiscal Year 1992.

Performance Measures for Community Policing

$200,000

In Fiscal Year 1992, continuing research will identify performance measures, define elements of both administrative and operational supervision critical to successful community policing, and examine the role of community involvement in the development and success of community policing strategies. This is a continuation of a current project; additional applications may be solicited in Fiscal Year 1992.

Training and Technical Assistance for Community Policing

$138,000

NIJ will support training seminars on community-oriented policing for city managers, police executives and community leaders. This is a continuation of a current project; additional applications may be solicited in Fiscal Year 1992.

Drug Market Analysis (DMA)

$500,000

The program uses location based computer mapping technology to identify drug market "hot spots." Maps are computer generated by programming all city addresses into the system and integrating them with calls for service data, drug arrests and observational information collected by narcotics and patrol officers. The information produced assists police in developing and evaluating the effectiveness of a variety of drug enforcement strategies. In Fiscal Year 1992, the final year of funding for DMA, the program will reach its final stage at existing sites. Thus, applications will not be solicited in Fiscal Year 1992.

Study of Excessive Force by Police

$100,000

This research program is examining the relationship between the incidence of the use of excessive force by police and the presence or absence of training programs and internal procedures to guide police behavior in police-citizen encounters. Currently, a national survey is underway to collect information on incidents, law enforcement agency policies and procedures and law enforcement training information. A series of case studies on police experience with this issue was also funded in 1991. This program will be continued in Fiscal Year 1992 and will include applied research in individual police agencies and the communities

they serve. Services are being provided by current grantees. No additional applications will be solicited in Fiscal Year 1992.

Analysis of Police Killings

$125,000

NIJ is examining violence against police officers, especially police killings and assaults. Information about the characteristics of incidents, motivations of assailants and the implications for additional police training are part of this continuation program. Services are being provided by current grantees; no additional applications will be solicited in Fiscal Year 1992.

Crime Prevention Through Environmental Design (CPTED)

$200,000

In Fiscal Year 1992, NIJ will conduct a review and synthesis of the CPTED research literature. NIJ may also support research that will incorporate studies of how the geographic distribution of different types of crime is associated with the environmental characteristics of locations where those crimes occur often or seldom, with a focus on the policy implications of the findings. Other issues to be addressed may include modification of the physical characteristics of locations to reduce risk in the urban environment, the association of public disorder with crime and fear, and the effect of disorder on urban decay and investment by businesses in the community. Methods of procurement will be determined and a solicitation issued in Fiscal Year 1992.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$447,000

Continuation Programs

Juvenile Justice Training for Law Enforcement Personnel (Glynco)

$447,000

This project provides technical assistance and training to promote a better understanding of the juvenile justice system by Federal, State and local law enforcement agencies. Five training programs are offered through this project, namely: Police Operations Leading to Improved Children and Youth Services (POLICY) which has two components: POLICY I introduces law enforcement executives to management strategies in order to integrate juvenile services into the mainstream of their operations, while POLICY II helps mid-level managers build on these strategies and demonstrates step-by-step methods to improve police productivity in the juvenile justice area. The Child Abuse and Exploitation Investigative Techniques Program provides law enforcement officers with state-of-the-art approaches for building a case against those individuals charged with child abuse, sexual exploitation, or the abduction of children. Managing Juvenile Operations is a curriculum which provides a series of training programs for police executives. It demonstrates simple, yet effective methods to increase departmental efficiency and effectiveness by integrating juvenile services into the mainstream of police activity. School Administrators for Effective Police, Probation, and Prosecutors Operations Leading to Improved Children and Youth Services (SAFE POLICY) brings together the chief executives of schools, law enforcement, prosecution, and probation to promote interagency cooperation and coordination in dealing with youth-related problems. This program will be implemented under the current interagency agreement.

Intermediate Sanctions and User Accountability

$13,825,000

"All those engaged in illegal drug use must be held accountable for their behavior, yet not all convicted drug offenders need to be incarcerated * * *. However, intermediate punishments—which expand the range of options between incarceration and unsupervised release—can provide innovative ways to assure swift and certain punishment, which in many cases will deter further criminal acts * * *. Such punishments are not a safety valve to relieve prison crowding, and cannot serve as a substitute for needed prison construction. Public safety demands that serious offenders be incarcerated." (National Drug Control Strategy, February 1991).

OJP Policy Statement

Intermediate Sanctions fall between traditional probation and incarceration and are usually less severe than jail or prison. However, they are more restrictive than probation, for nondangerous offenders. Intermediate sanctions are designed to hold the drug user accountable and focus on the range of post-adjudication sanctions that fill the gap between traditional probation and jail or prison sentences. These sanctions can be used to address the problems of both juvenile and adult crime. Demonstration programs, as well as evaluation efforts, are being initiated to promote and test a continuum of sanctions such as the expanded use of fines, restitution, community service, home detention, intensive supervision, electronic monitoring and boot camps. Intermediate sanctions recognize gradations in the seriousness of criminal behavior and are designed to respond accordingly with graduated levels of criminal punishment.

OJP Program Response

Bureau of Justice Assistance (BJA)

$12,150,000

New Programs

Corrections Options Grants

$11,700,000 [1]

The purpose of this program is to provide assistance to public and private nonprofit agencies in designing, developing and implementing innovative alternatives to traditional incarceration and offender release programs. In addition, financial support will be provided to public agencies to demonstrate boot camp prisons. Training and technical assistance will be provided to public and private agencies in the development of innovative alternative programs. Also, this project will provide support for the Private Sector and Prison Industry Enhancement Certification program. An additional $1.3 million will be available to NIJ for the evaluation of this program, bringing the total for this program to $13 million.

Continuation Programs

Fines Demonstration Program

$200,000

This program benefits all jurisdictions in which criminal fines are used as sanctions in the punishment of drug offenders. The program will enhance alternative sanctioning options by demonstrating the application and enforcement of fines as realistic and credible monetary penalties. Currently, three demonstration sites are implementing the Structured Fine Program. This program will provide training and technical assistance to the demonstration sites.

Denial of Federal Benefits

$250,000

This program established a clearinghouse of automated systems to receive and transmit to the General Services Administration, as well as other interested Federal agencies, information on persons convicted of drug trafficking or possession offenses who have been sentenced to a denial of

Federal benefits. Fiscal Year 1992 funds will support continued technical assistance and an evaluation component.

National Institute of Justice (NIJ)

$1,325,000

New Programs

Research and Development on Corrections

$500,000

NIJ research in Corrections in Fiscal Year 1992 will address the critical issues of prison crowding, improving community supervision through development of more effective offender classification practices, preliminary planning and data collection for future assessment of the risks to the public and cost effectiveness of incarceration compared to community supervision of offenders. Research into the effectiveness of prison- and jail-based inmate education and work programs in deterring recidivism may also be initiated. In addition, the effectiveness of differing sentence lengths in deterring recidivism; a synthesis of what is known about current prison classification practices; and an assessment of current information on the frequency of offending are among the topics that may be examined. Methods of procurement will be determined and solicitations issued, as appropriate.

Research and Development on Intermediate Sanctions

$500,000

Building on its Fiscal Year 1990 and 1991 efforts, NIJ will support a new initiative in the development of standards and guidelines for boot camps. In addition, NIJ will examine a variety of intermediate sanctions, including boot camps and their impact in controlling criminal behavior. Issues to be addressed may include intensive supervision probation, operational impact of intermediate sanctions including day reporting centers, intermediate sanctions for special offender populations and the use of intermediate sanctions in the charging and sentencing process. Methods of procurement will be determined and solicitations issued, as appropriate.

Continuation Programs

Inmate Work Initiative

$325,000

This is a collaborative interagency program between NIJ, BJA and National Institute of Corrections (NIC) for which NIJ is providing all of the funds. This program provides developmental assistance to jurisdictions seeking to reduce inmate idleness and lower the costs of incarceration, through inmate work programs. The program demonstrates how private businesses operate inside correctional facilities by employing inmates for the production and open market sale of goods and services. The program serves to strengthen and expand prison and jail industry programs certified by BJA through its Prison Industry Enhancement Certification Program. The program also provides training and technical assistance. This program is being conducted by current grantees. It is not anticipated that applications will be solicited in Fiscal Year 1992.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$350,000

New Programs

Juvenile Restitution

$200,000

OJJDP plans to support a juvenile restitution training and technical assistance program. The project design will be based on practitioner recommendations regarding the current needs in the field. A survey is being initiated by the Office to determine how best to expand and institutionalize restitution as a viable juvenile justice disposition. In addition to the survey, it is anticipated that a "working group" will be convened to map out the future course of OJJDP's support for optimum development of the various components of restitution. These components will include community service, victim reparation (also victim-offender mediation), offender employment and supervision, employment development, and possible new program elements designed to establish restitution as a major aspect in our efforts to improve the juvenile justice system. Applications will be solicited competitively.

Continuation Programs

Demonstration of Post Adjudication: Non-Residential Intensive Supervision Program

$150,000

The National Council on Crime and Delinquency (NCCD) was funded to implement the Intensive Supervision Program which was designed to identify and assess effective intensive supervision programs, to provide the capability of select jurisdictions to implement an effective program model and to disseminate information about the initiative. The assessment report has been completed and the training and technical assistance materials have been completed in draft. Support for this program will supplement NCCD's current award and provide funds for technical assistance and training for six to eight jurisdictions that are interested in implementing the intensive supervision programs model developed by NCCD. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Drug Prevention

$20,035,000

"Prevention remains one of our most important weapons in the Nation's war on illicit drugs." President Bush, September 4, 1990. (Proclamation 6174–National DARE Day.)

"Law Enforcement alone cannot solve the problem of violent crime * * * community action is essential. We need to transform our attitudes as a society. We need to mobilize the community at all levels." Acting Attorney General William P. Barr, October 1, 1991, (Annual Conference of Crime Stoppers International)

"When communities implement a coordinated plan of attack against drugs, one which includes meaningful sanctions for any drug use, and involves schools, parents, religious organizations, law enforcement agencies and businesses, we can make progress in keeping drugs out of schools, neighborhoods and the workplace. Strengthening the ability of communities to mobilize against drugs and holding the occasional user accountable are among the cornerstones of the Administration's drug prevention Strategy. (National Drug Control Strategy, February 1991).

OJP Policy Statement:

The criminal justice system should assume a primary role in developing community-wide efforts to prevent the use and trafficking of illegal drugs. OJP's drug prevention activities focus on community-based efforts to reduce the problems of drug abuse, gang activities, illiteracy, juvenile delinquency and school dropouts, especially in our minority communities. This priority area will emphasize programs at the grass roots level which focus on mobilizing law abiding citizens to get involved with prevention in high crime neighborhoods where there is a prevalence of drug trafficking, serious crime, gang violence and child sexual exploitation.

Through comprehensive and coordinated activities law enforcement officials, community leaders, including

school administrators, church, business and civic leaders can work together in partnership to both take back the streets and keep those most at risk, safe from criminals. It will also focus on offenders who have had previous drug involvement and are returning from correctional programs. These program activities will be implemented through demonstration programs, training and technical assistance and evaluations.

OJP Program Response

Bureau of Justice Assistance (BJA)

$10,200,000

New Programs

Boys and Girls Clubs Demonstration

$2,300,000 [1]

The purpose of this program, is to promote the establishment of Boys and Girls Clubs in public housing projects, which will be closely coordinated with the BJA Weed and Seed initiative. This will include training and technical assistance for Boys and Girls Clubs as well as support for demonstration activities in selected sites.

IMPACT

$200,000 [1]

The IMPACT Program provides training and consultation to teachers, school counselors, administrators and community groups in substance abuse awareness and prevention. This program for elementary and secondary school students, will expand the IMPACT Program in Washington State and document the program model.

Continuation Programs

Drug Abuse Resistance Education (DARE)—Training Centers

$1,700,000 [1]

The purpose of this program is: (1) To train police officers to teach skills to children that help them resist pressure to use drugs; (2) to reduce the demand for drugs and eliminate drug-related crime; and (3) to provide technical assistance to State training centers and to accredit those centers that are qualified as DARE Training Centers. DARE officer candidates will receive 80 hours of initial training, to be followed by 40 hours of in-service training classes. This program will be implemented by the current grantees. No additional applications will be solicited in Fiscal Year 1992.

National Citizens' Crime Prevention Campaign

$3,000,000 [1]

The purpose of this program is to educate children and adults about crime, violence and drug abuse prevention; to mobilize existing resources for crime and drug abuse prevention; to generate an individual and community sense of responsibility for crime and drug abuse prevention; and to provide program and policy direction to citizens, community organizations, law enforcement, other public and private service providers as well as State and Federal agencies. An evaluation of the public service advertising campaign will be included in this effort. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

The National Town Watch Crime and Drug Prevention Campaign

$100,000 [1]

Sponsored by the National Association of Town Watch, National Night Out, as the campaign is commonly referred to, is a nationwide crime and drug prevention initiative that involves thousands of communities in a year-long effort of partnership building among public and private agencies, businesses, community organizations and citizens. Program activities for the year culminate in an August event in which citizens are asked to turn on their porch lights between the hours of 8 and 10 p.m., go outside and meet neighbors and participate in events such as block parties and candlelight vigils to demonstrate support for community crime and drug abuse prevention efforts. This program will be implemented by the current grantee.

Community Drug Abuse Prevention Initiatives

$1,000,000 [1]

The purpose of this program is to continue to provide cost-effective technical assistance and training in crime, violence and drug demand reduction as well as to support the assessment and implementation of efficient multifaceted community-based strategies. The program will continue to promote holistic, cost-effective strategies to reduce crime, violence and illicit drug use; provide information on effective methods of reducing crime, violence, gang activity and illicit drug use by strengthening relationships among ethnically diverse populations, law enforcement and other public and private service providers. The program will promote the adoption and implementation of comprehensive community-based crime and drug demand reduction efforts which involve youth, citizens, schools, civic and community organizations, churches, businesses, law enforcement and other public and private service providers. This program will be implemented by the current grantee. Applications will not be solicited competitively.

Communities in Action to Prevent Drug Abuse

$400,000 [1]

The purpose of this program is to provide technical assistance and training to selected communities for the development of cost-effective community based anti-crime and drug control strategies which are comprehensive in nature. Projects will involve the building of partnerships between law enforcement and other public and private service providers, businesses, churches, schools, community organizations, citizens and youth. This program will be administered by the National Training and Information Center. Up to ten demonstration sites will be selected with close attention to coordination with operation Weed & Seed. Applications will not be solicited competitively.

Strategic Intervention for High Risk Youth

$1,275,000

This is a joint venture with New York University, the Ford Foundation and the Pew Charitable Trusts. The program consists of a test of a specific intervention strategy for preventing and controlling illegal drugs and related crime and fostering healthy development among youth from drug and crime-ridden neighborhoods. Multiservice, multidisciplinary neighborhood-based programs will be established to provide a range of opportunities and diverse services for pre-adolescents and their families who are at high risk for involvement in illegal drugs and crime. Simultaneously, the criminal and juvenile justice systems will target resources to reduce illegal drug use and crime in the neighborhoods where these young people reside. This year's funds will support the continuation of the demonstration sites, training and technical assistance and evaluation of the demonstration sites. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Wings of Hope Anti-Drug Program

$225,000

This program is an excellent example of coalition building and community partnership, involving law enforcement agencies, churches, businesses, schools, residents and other public and private agencies in a multifaceted effort to combat crime and illicit drugs. With primary focus on minority populations, its goals are to: develop comprehensive community-based strategies to combat crime and drug abuse in public housing and drug infested neighborhoods; educate and train minority church groups, community groups and youth in crime and drug prevention, mentoring, coalition building and strategy development; develop proactive neighborhood prevention teams comprised of residents, church officials, the business community, law enforcement and other public and private service providers; develop an adoption program to assist "at risk" families in high risk communities; and develop and implement innovative law enforcement approaches that will better facilitate cooperation and coordination. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Bureau of Justice Statistics (BJS)

$450,000

Continuation Programs

Drugs and Crime Data Center and Clearinghouse

$450,000

This is a collaborative intra-agency agreement program between BJS and BJA. Entering its fourth year of operation, the Drugs and Crime Data Center and Clearinghouse is highlighted in the President's National Drug Control Strategy, 1991, and continues to provide a centralized source of information on drugs and crime for Federal, State and local officials, Congressional staff, academic researchers, private sector inquirers, the media and the general public. The Data Center and Clearinghouse has two components: (1) Data analyses and evaluation activities; and (2) data user services. BJS is developing a comprehensive national report, Drugs, Crime and the Justice System: A National Report, in conjunction with the Data Center. This report combines many sources of drug data and covers topics including illegal drug production and trafficking, extent of drug use, costs associated with drug abuse, drug control policies, drug testing and history of drug abuse and control. The anticipated publication date for the report is 1992. In addition, the Data Center and Clearinghouse is planning to release Drugs and Crime Facts, 1991, during the fiscal year. This annual report will present the most current information available relating to drugs and crime published by BJS in 1991. Other special reports, analytic studies and drug data services are planned. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$1,500,000

New Programs

Research and Development on Prevention of Drug Abuse and Related Crime

$500,000

This program will support new research on prevention and control of illegal drug supply and deterrence of illegal drug demand. In 1991, NIJ initiated a comprehensive analysis of criminal justice system drug treatment and analytic models of the relationship of drugs and crime to criminal sanctions. Building on these efforts, NIJ's Fiscal Year 1992 projects will emphasize assessments of drug use and related crime, identification and treatment of drug offenders and new strategies for prevention and control of drug-related crime. Initiatives may examine female and juvenile offenders, alcohol abuse and related violence, State and local drug laws, tracing drug money, drug detection devices and control of precursor chemicals. Multiple awards will be made. Methods of procurement will be determined and solicitations issued, as appropriate.

Continuation Programs

AIDS–HIV Education in Lockups and Booking Facilities

$1,000,000 (NIDA)

The purpose of this program is to design, test and evaluate the effectiveness of AIDS–HIV prevention approaches for arrestees held 48 hours or less in jail booking facilities and lockups. The program which is jointly administered by NIJ and NIDA involves a combination of various education and drug treatment referral strategies to prevent or intervene in high risk behavior among this population. Fiscal Year 1992 is the final year of the 3-year cooperative project operated under an interagency agreement. No additional applications will be solicited in Fiscal Year 1992.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$7,885,000

New Programs

Professional Development for Youth Workers

$200,000

The primary purpose of this initiative is to establish and promote professional development of youth and juvenile justice system providers through a formal and continued training program. The program will be designed to include an inventory of existing training programs and their effectiveness, a needs assessment survey of training, the development of several curricula areas, the design of a dissemination strategy, and finally, an implementation plan for the second year of a two-year program. The end product is an expertly designed set of curricula which can be adapted for use in a broad range of juvenile justice and youth care training programs. The overall goal of the program will be to enhance professionalism for those persons to whom society has delegated responsibility in treating and caring for our Nation's troubled youth. Such individuals include foster parents for "acting-out" adolescents, staff in a range of community-based residential care facilities, juvenile correctional officers, probation officers, truant officers, and security personnel in youth facilities. Applications will be solicited competitively.

Native American Alternative Community-Based Program

$300,000

This is a collaborative interagency program between OJJDP and the Administration on Native Americans in the Department of Health and Human Services. The purpose of this program is to develop community-based alternative programs for Native American youth who have been adjudicated delinquent, and to develop a reentry program for Native American delinquents returning from institutional placement. The program will use the information being gathered by the American Indian Law Center in its study of the Native American juvenile justice system to develop this initiative. A multi-component design will be developed which will integrate the critical elements of the OJJDP Intensive Supervision and Aftercare programs with cultural elements that have traditionally been utilized by the Native Americans to control and rehabilitate offending youth.

As planned, the program would be tested in up to two sites. Applications will be solicited competitively.

Program for Chronic Status Offenders

$140,000

The grant will underwrite the replication in Philadelphia of the program for chronic status offenders conducted in West Milton, Pennsylvania. That program seeks to effect change in juvenile delinquent behavior (including addressing possible family dysfunction), stabilizing the offender's behavior at home and in the community, promoting positive substitutes for antisocial acts, and implementing individualized educational plans for those needing more than mainstream education can afford.

This program offers an efficient and effective alternative to the "too-little"/"too-much" syndrome as it applies to chronic status offenders and emergent delinquents. In lieu of probation alone or residential treatment, the day care program employs a broad spectrum of counseling techniques to enhance life skills and employment opportunities, while providing intensive treatment for pre-and post-adjudicatory delinquents and status offenders. Applications will not be solicited competitively.

Continuation Programs

Drug Abuse Prevention—Technical Assistance Voucher Project

$200,000

This project will provide technical assistance to 15–25 neighborhood-based organizations which have established anti-drug abuse projects, and will enhance their capacity to serve high-risk youth and serious juvenile offenders. Neighborhood groups will apply to the grantee for vouchers ranging from $1,000 to $10,000, depending on their needs. They will present their own plans and designs for the requested technical assistance, which will be evaluated and refined by the grantee. This method of delivery will allow these neighborhood groups to secure technical assistance inexpensively from sources that are compatible with both their programs and their specific community characteristics. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Intensive Community-Based Aftercare Program

$200,000

This program is designed to develop a juvenile aftercare model which can be tested in the juvenile justice system. Under this program, an assessment has been completed and a final draft assessment report has been submitted to OJJDP. A model juvenile aftercare program, which builds on the assessment material, has been developed and related policies and procedures have been completed in draft. This next stage of funding will provide training and technical assistance for up to four sites in the aftercare model. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Research on the Causes and Correlates of Delinquency and Non-Delinquency

$1,680,000

This longitudinal cohort study by three coordinated projects has been directed to improving the knowledge base regarding positive, delinquent, or drug using behaviors of juveniles in the context of the family, school and the individual. Factors are being identified that promote, as well as inhibit, involvement in delinquency, leading to effective design of intervention activities. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Reaching At-Risk Youth in Public Housing

$300,000

This is a collaborative interagency program between OJJDP and the Department of Housing and Urban Development (HUD). Boys and Girls Clubs of America have established seven Boys and Girls Clubs in public housing developments across the Nation under the existing cooperative agreement with OJJDP. HUD's funding level commitment for this program is not yet final. The dollar amount of this program represents only OJJDP's portion. These programs are designed to provide needed services to the high-risk youth who live in public housing, thereby preventing their involvement in delinquency, drug and alcohol abuse and gang involvement. During Fiscal Year 1992 additional sites will be established and training and technical assistance will be made available to other Boys and Girls Clubs and public housing authorities who wish to establish Clubs. Also, as part of this program, the Boys and Girls Clubs developed a curriculum on their targeted public housing outreach program for the Federal Bureau of Investigation's Drug Reduction Coordinators. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

The Congress of National Black Churches: National Anti-Drug Abuse Program

$150,000

The overall plan for this program calls for the development and implementation of a national public awareness and mobilization strategy to address the problem of drug abuse and drug abuse prevention in targeted communities across the United States. The goals of the national mobilization strategy are to summon, focus and coordinate the leadership of the Black religious community in cooperation with the Department of Justice, other Federal agencies and organizations to help mobilize groups of community residents to combat effectively drug abuse and drug-related criminal and antisocial activities. The program is currently operating in 10 cities. This award will provide funding to extend the program from 10 to 15 additional cities. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Effective Strategies in the Extension Service Network, Phase II

$75,000

This is a collaborative interagency program between the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Department of Justice; the National Highway Traffic Safety Administration (NHTSA), Department of Transportation; and the Extension Service, Department of Agriculture, in which OJJDP and NHTSA provide the funding. NHTSA's funding level commitment for this program is not yet final. The dollar amount of this program represents only OJJDP's portion. The purpose of this program is to establish worthwhile community collaborations through a defined, established training program and technical assistance provided by the U.S. Department of Agriculture's Extension Service Network. These collaborations will focus on youth substance abuse, impaired driving and other delinquent behavior. Training and technical assistance will be based on the Community Systemwide Response (CSR) planning process, a training curriculum that presents a planning and organization strategy communities can use to assess and respond to their current juvenile drug and alcohol abuse and impaired driving problems. The CSR also provides information about the

most promising systemwide technologies in drug abuse prevention and treatment. Applications will not be solicited competitively.

Field-Initiated Programs

$550,000

OJJDP is proposing continuation of its program designed to increase the capacity of State and local governments, public and private youth-serving agencies, and neighborhood organizations or community groups to prevent delinquency, develop and use alternatives to the juvenile justice system, and improve the administration of juvenile justice. This program will provide competitive awards to practitioners, policymakers and researchers who have innovative ideas which address areas that do not fall within the scope of other proposed programs. The award of these grants will be closely coordinated with the priorities of the Office of Justice Programs. Any grant funded under this program will follow a regular cycle of application, peer review and competitive selection. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992.

Law-Related Education (LRE)

$3,200,000 [1]

Since 1979, OJJDP has funded a national law-related education (LRE) effort. The Law-Related Education National Training and Dissemination Program involves five national LRE projects and programs which operate in 47 States. The purpose of this program is to provide training and materials to State and local school jurisdictions to encourage and guide them in establishing LRE delinquency prevention programs in the curricula of grades kindergarten through 12 and in juvenile justice settings. Grantees will be encouraged to place emphasis on drug abuse prevention programs in primary, middle and secondary schools in minority communities. The major components of the program are: Coordination and management, training and technical assistance, preliminary assistance to future sites, public information, program development, and assessment. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Satellite Prep School Program and Early Elementary Schools for Privatized Public Housing

$400,000

This is a collaborative interagency program between OJJDP and the Department of Housing and Urban Development, and is being coordinated with the Department of Education. The purpose of this program is to establish an early elementary school program to help prevent and deter children who reside in public housing developments from participation in delinquent acts and to reduce the potential for their involvement in lives of crime, especially drug-related crime, gang activities, alcohol and/or drug abuse. The Prep-School Program has as its mission the establishment of preparatory elementary schools for kindergarten to fourth grade children living in public housing developments. The Prep-School Program will begin with one demonstration site in the Ida B. Wells Housing Development, Chicago, Illinois. The Prep-School will be established and operated as an early intervention educational model based upon the Marva Collins Westside Preparatory School educational philosophy, curriculum and teaching techniques. The other partner in this effort is the Chicago Housing Authority. The Fiscal Year 1992 funds awarded to the Chicago Housing Authority will be used for the Prep-School operational expenses and continued training and technical assistance. The U.S. Department of Housing and Urban Development funds will be used for renovations to create the space for school. This program addresses Goal 6 of "Goals for America 2000: The President's Education Strategy." This program will be implemented by the current grantees. No additional applications will be solicited in Fiscal Year 1992.

Career Development

$90,000

This is a collaborative interagency program between OJJDP and the U.S. Department of the Interior. This program gives high-risk youths an opportunity to assess their interest in and potential for careers in the Criminal Justice System or the National Park Service. The purpose of Law Enforcement Exploring is to educate and involve youth in police or other justice system operations, to interest them in possible law enforcement careers, and to build understanding between youth and law enforcement personnel. An added program component in Fiscal Year 1990 was the introduction of youths to career opportunities in the National Park Service. The youths participating in the Exploring Program render hands-on assistance to their host agencies or organizations (State and local police departments, U.S. Park Service, U.S. Customs, etc.). The youths also receive hands-on training from their host agencies. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Partnership Plan, Phase V (Cities in Schools)

$400,000

This is a collaborative interagency program between OJJDP, the U.S. Department of Labor, and the U.S. Departments of Health and Human Services and Commerce. The dollar amount of this program represents only OJJDP's portion. The funding level commitment for the other agencies are not yet final. This program is a continuation of a national school dropout prevention model that is being implemented by Cities In Schools, Inc. (CIS). CIS provides training and technical assistance to States and local communities to enable them to adapt and implement the CIS dropout prevention model. The model focuses social, employment, mental health and other resources on high-risk youths and their families at the school level. Individualized plans are developed for each youth, and needed remedial education, social and other services are provided to the youths and their families. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Drug Testing

$3,350,000

"Testing within the criminal justice system can serve as an 'early warning system' that provides another method of keeping offenders in check while they are on pretrial or post-conviction release. Moreover, random, mandatory drug tests, coupled with certain penalties, create a powerful incentive for those under correctional supervision—a high risk group—to get off and stay off drugs." (National Drug Control Strategy, January 1990).

OJP Policy Statement:

Drug testing should be considered an essential component of intermediate sanctions as well as all other pre- and post-adjuditory sanctions of criminal justice and juvenile justice systems. It should be available at intake and

throughout the system for initial and periodic screening and diagnostic assessment purposes. In addition, it should be used to guide decisions pertaining to immediate and longer term control and treatment needs, levels of security and types of confinement as well as the development of appropriate dispositions, treatment plans and referrals for services. Through research, demonstration, technical assistance, training and information dissemination program, OJP will provide policymakers at the State and local levels with information to enable and encourage them to incorporate drug testing in all aspects of the criminal and juvenile justice systems.

OJP Program Response

Bureau of Justice Assistance (BJA)

$500,000

Continuation Programs

Drug Testing Throughout the Criminal Justice System

$500,000

The purpose of this program is to demonstrate the use of drug testing throughout the criminal justice system from pretrial through parole. Training and technical assistance is being provided during the planning and operational phases of the demonstration site. Fiscal Year 1992 funds will support continuation of the Portland, Oregon, site. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$2,450,000

New Programs

Research and Development on Drug Testing/Drug Use Forecasting

$250,000

This program includes research on drug testing and its benefits for the criminal justice system, studies of NIJ's Drug Use Forecasting Program, and demonstrations and applications using DUF data. Issues to be addressed may include the predictive value of pretrial drug testing, the use of portable drug testing technology, models for efficient system-wide testing, the management and use of drug test results and programs for criminally-involved pregnant addicts or those with young children. NIJ will make the DUF juvenile data sets as well as those for male and female adult arrestees available. Responses to the open-ended interview questions may also be publicly available. This will permit broader lines of inquiry, ranging from progression of drug use from mid-teens to mid-twenties to analysis of the geographic movement over time of self-reported "new drugs on the street." Methods of procurement will be determined and solicitations issued, as appropriate.

Continuation Programs

Drug Use Forecasting (DUF) Program

$1,400,000

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is providing matching funding. DUF has been identified by the Office of National Drug Control Policy (ONDCP) as one of eight leading drug indicator systems in the Nation. Using drug testing and interview data, the DUF system collects information on drug use by arrestees brought to booking facilities in 24 jurisdictions. Results are analyzed and published by NIJ in quarterly and annual reports. Studies are underway to expand the utility of DUF data in the sites, to examine and refine the DUF sampling plan and to pilot test a computerized interview which may improve the timeliness and accuracy of the data as well as the cost efficiency of the program. Fiscal Year 1992 activities will maintain the data collection and research program in the sites and support extended ongoing coordination with other Federal agencies including the National Institute of Drug Abuse (NIDA), Drug Enforcement Administration (DEA), ONDCP and the Office of Treatment Improvement (OTI). Methods of procurement will be determined and solicitations issued, as appropriate.

Hair Analysis Research and Standards

$800,000

This is a collaborative interagency program between NIJ and NIDA designed to expand the drug testing capability of the criminal justice system through the development of hair-based tests. Hair testing permits the detection of drug use patterns over longer periods of time than can be detected through urine-based testing. In Fiscal Year 1991, research focused on cocaine and heroin evidence in hair and the development of criminal justice system standards for hair analysis techniques. Building on these efforts, Fiscal Year 1992 initiatives may address variations in hair drug evidence by offender group characteristics, standardization of field testing and analysis procedures and cost-benefit comparisons of hair and other testing methods in criminal justice program settings. Multiple awards will be made. Methods of procurement will be determined and solicitations issued, as appropriate.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$400,000

New Programs

Enhancing Enforcement Strategies for Juvenile Impaired Driving Due to Drug and Alcohol Abuse

$100,000

This is a collaborative interagency program between OJJDP and the National Highway Traffic Safety Administration. NHTSA's funding level commitment for this program is not yet final. The dollar amount of this program represents only OJJDP's portion. The purpose of this program is to enhance the juvenile justice system's coordination and responsiveness to delinquent youth involved in drinking and driving. Based on documentation of low arrest and citation problems as they pertain to youth impaired driving, as well as information about enforcement obstacles and effective enforcement strategies, an award is being made to develop training and technical assistance materials for the various juvenile justice system components (i.e., police officers, judges, prosecutors, probation officers, etc.). The materials will address the issues related to effective enforcement of impaired driving laws as they pertain to juveniles and the juvenile justice system. The materials will be tested in five jurisdictions across the country. Based on practical use, they will then be edited and prepared for replication and dissemination. Applications will not be solicited competitively.

Continuation Programs

Drug Testing Guidelines

$125,000

The primary purpose of this project is to develop a comprehensive curriculum in close coordination with the National Institute of Justice, consisting of drug identification, screening and testing which will assist juvenile justice systems in educating policymakers and training managers through training and technical assistance. This program, "Training and Technical Assistance Curriculum for Drug Identification, Screening and Testing in the Juvenile Justice System," offers a plan for providing training and technical assistance to selected juvenile justice systems throughout the country. This program will be implemented by the

current grantee. No additional applications will be solicited in Fiscal Year 1992.

Testing Juvenile Detainees for Illegal Drug Use

$175,000

The intent of this program is to assess, develop, test, and disseminate information on new and innovative approaches to test for illegal drug use among juvenile detainees. The purpose of the program is to improve resource allocation and treatment services for youth in detention by developing more accurate and complete information on the use of illegal drugs. The world of drug testing is technical and complex, as are the issues revolving around the decision to test juveniles for illegal drug use. OJJDP has recognized the complexity of the situation and embarked on this initiative, among others, to provide guidance and leadership to the field in this area. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Intensive Prosecution and Adjudication

$6,728,263

"Through the criminal justice system we identify, arrest, and prosecute those who break our laws; incarcerate the most serious offenders so they cannot further threaten the welfare of society; deter others from involvement in the drug trade; and, by making clear the costs of drug use, cause many more to enter treatment and rehabilitation." (National Drug Control Strategy, February 1991.)

OJP Policy Statement

Prosecution and adjudication should be a primary focus of criminal and juvenile justice system activity in order to attack aggressively the problems of illegal drug trafficking, gang violence and community exploitation. OJP's activities will focus on promoting legislation as well as policies, procedures and practices that expedite the identification, processing, adjudication and case disposition of adult and juvenile serious, violent offenders. The activities will emphasize tactics, technologies and strategies that include system-wide coordinated responses, vertical prosecution, offender specialization, case management, expeditious court decisionmaking and appropriate dispositional alternatives. Demonstration, training, technical assistance and information dissemination are the primary program mechanisms that will be used in preparing more effective prosecutorial and judicial responses to serious and violent crime.

OJP Program Response

Bureau of Justice Assistance (BJA)

$2,700,000

Continuation Programs

Model State Drug Control Statutes

$350,000

This program will facilitate the adoption and implementation of model comprehensive drug control statutes which strengthen States' investigation, apprehension, prosecution and punishment capabilities in dealing with drug offenders and organizations trafficking in illegal drugs and narcotics. In addition, this program provides State and local policymakers model statutes with supporting commentary which effectively address both drug supply and demand problems. This program will promote and assist the implementation of the updated model State statutes across the Nation through key State and local policymakers and providing comprehensive technical assistance for their implementation of the model statutes. This funding will provide intensive technical assistance to between six to eight States. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Night Drug Courts

$500,000

This program benefits medium and large jurisdictions which experience backlogs and/or increased filings of drug cases. Purposes of this program are to refine program models, demonstrate those models and provide technical assistance and training to the demonstration sites. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992.

National Drug Conference

$100,000

BJA and the State Justice Institute (SJI) sponsored a conference in November 1991 to assist State Judiciaries in developing responsive drug control strategies and in implementing corresponding programs. To support the needs of the judiciary in future program development, BJA and SJI have agreed to set aside funds to implement selected recommendations from the conference attendees. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Court Case Management Training and Technical Assistance

$150,000

The purpose of this program is to collect and assess the information generated by the programs of BJA and SJI focused on assisting courts to respond more effectively and efficiently to drug cases. This information will be used to develop a training and technical assistance curriculum for providing guidance to courts in implementing one or more model approaches to drug case management. The program will include a conference on alternative models of case management. It is anticipated that this will be a joint program with the SJI. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Interjurisdictional Prosecution Program—Demonstration

$500,000 [1]

The purpose of this program is to enable prosecutors from two to six adjoining jurisdictions to establish a formal interjurisdictional prosecutor-led task force focused on the investigation and prosecution of illegal drug manufacturing and distribution organizations operating within their contiguous jurisdictional boundaries. This program will support up to three new demonstration sites selected to replicate the prototype model. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

South Carolina Grand Jury—Criminal Drug Project

$500,000*

The purpose of this demonstration is to continue the ongoing South Carolina Grand Jury Project's operation and to assess and document the State Project to enable its possible replication by other States. The South Carolina Attorney General's Office was recognized during hearings held by Senators Hollings and Rudman in February 1990 as having a highly successful Statewide Grand Jury—Criminal Drug Organization Project which is a special prosecution unit in the State Attorney General's Office dedicated to intensive investigation and prosecution of multijurisdictional drug trafficking networks throughout the State. This program will be implemented

by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Local Drug Prosecution—Innovative Projects and Assessments

$250,000

This program is designed to provide State and local prosecutors with new and innovative approaches to improve local investigation and prosecution of drug offenses as well as to organize community resources into a comprehensive strategy to eliminate illegal drugs. The program targets district attorneys who establish and implement drug control policies and front line prosecutors who try drug-related cases. Drawing upon the expertise of an established national network of narcotics prosecutors, the project will develop, document and disseminate information on innovative programs and policies related to effective investigation and prosecution of drug offenses and the development of comprehensive community-based drug control strategies. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Statewide Training for Local Prosecutors

$150,000

The purpose of this dissemination program is to provide training and technical assistance to local prosecutors assigned full-time to drug units and task forces. It is based on a sophisticated case study and trial advocacy training program for drug prosecutors that was tested statewide in two jurisdictions and is to be made available to all States. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Federal Alternatives to State Trial (FAST)

$200,000

The purpose of this program is to demonstrate the potential benefits of moving selected State drug trafficking cases to the Federal system utilizing City and County of Philadelphia Assistant District Attorneys to develop and prosecute these cases in Federal Court. This transfer from State to Federal jurisdiction will substantially increase the likelihood of pretrial detention for local drug dealers, expedite the prosecution of these cases before the Federal District Court and obtain a significant mandatory sentence, for the guilty defendants, in a Federal prison facility. Special emphasis will be given to the project's documentation and assessment-evaluation activities. This information will provide the first substantive review of a systematic removal of a relatively large number of State cases (200–400 annually) to Federal jurisdiction. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$500,000

New Programs

Research and Development on Prosecution and Adjudication

$500,000

This program addresses issues and problems concerning the prosecution and adjudication of criminal cases and related civil matters. The program builds on past research and upon recently identified problems and issues of concern to prosecution and the judicial process. Some of the areas of particular interest that may be pursued concern effective handling of drug cases, innovation in the pretrial process, evidentiary issues such as eyewitness testimony, jury decisionmaking, assessing juror representation and environmental crime. Methods of procurement will be determined and solicitations issued, as appropriate.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$3,528,263

New Programs

Improvement in Correctional Education for Juvenile Offenders

$100,000

This is a collaborative interagency program between OJJDP and the U.S. Department of Education. The primary purpose of this program is to assist juvenile corrections administrators in planning and implementing educational services for detained and incarcerated juvenile offenders. This will be accomplished by the development of minimum educational standards and specific approaches to improving correctional education. OJJDP will seek joint funding for the program from the Department of Education. Applications will be solicited competitively.

A Study To Examine The Delay In Juvenile Sanctions

$75,000

The problems created by delays in juvenile treatment and sanctions are not well documented because of the lack of research. Since the Supreme Court decision in In Re Gault, 387 U.S. 1 (1969), procedural requirements in juvenile hearings have become more formal. Crowded civil and criminal calendars often delay juvenile hearings. The decision in *United States* v. *Furey*, 500 F.2d 338 (2d Cir. 1974), and a number of State cases have held that juveniles have a constitutional right to a speedy trial. In line with this right, the Institute of Judicial Administration and the American Bar Association published Standards for Juvenile Justice in 1977 that recommended ideal time limits for juvenile systems to function appropriately and effectively. Delays, directly and many times adversely, affect juveniles and are also wasteful of judicial resources. OJJDP will fund a study to determine the extent of unnecessary delays and whether they are excessive; the cause of the delays; and their effect on the juveniles and system administration. As a result, recommendations will be offered for improvement. Applications will be solicited competitively.

Juvenile Justice Personnel Improvement

$100,000

The purpose of this applied research program is to raise the quality of the key personnel in the juvenile justice system, such as probation officers and detention and corrections counselors, who have direct one-on-one contact with juveniles on an on-going basis. Juvenile justice succeeds or fails as a result of the highly interpersonal relations that are established by these professionals. Unfortunately, turnover rates among these professionals are excessively high. The obvious effects of such turnover are disruption on administration and increasing costs of recruitment and training. However, of possibly greater seriousness are the effects on the juveniles who are confused by a succession of youth workers. Many of these youth have begun to form meaningful relationships with a juvenile justice professional only to be abruptly placed with a different person. Despite the high turnover rates, there are capable and experienced staff professionals who stay, are satisfied, and do excellent work. The object of this program is to learn how to increase the number of professionals who achieve such stability and longevity in their careers.

The initial project will include an assessment of the descriptions of the functions, knowledge, and skill requirements of these personnel. A study of turnover rates in a representative sample of jurisdictions

and agencies will be initiated. The goal of the overall program, which will be completed in a continuation, will be the development of guides for the implementation of personnel programs that will result in the recruitment and retention of competent and satisfied personnel. Applications will be solicited competitively.

Juvenile Court Technical Assistance and Training on Child Abuse and Neglect Cases

$500,000

The purpose of this program is to design and implement model national standards and to develop a national training curriculum to improve the handling of child abuse and neglect cases in juvenile court. Training and Technical Assistance will be the primary method of transferring the model material to State and local court systems. Section 223(a) of the Crime Control Act of 1990 (Public Law 101–647, 104 Stat 4797) provides $500,000 for a grant to the National Council of Juvenile and Family Court Judges for this purpose. Therefore, no additional applications will be solicited in Fiscal Year 1992.

Continuation Programs

Juvenile Court Training

$1,100,270 [1]

The primary purpose of this project is to allow the National Council of Juvenile and Family Court Judges to continue to refine the training presently offered and to provide technical assistance. The training objectives are to supplement law school curricula, provide judges with current information on developments in juvenile and family case law and make available options for sentencing and treatment. Specifically, emphasis will be placed on the areas of drug testing, gangs and violence, intermediate sanctions, as well as responding to the problems of unemployability, illiteracy and family dysfunction. This project will provide foundation training both to newly elected or appointed judges and to experienced judges who have been recently assigned to the juvenile or family court bench. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Court Management Training

$35,000

The purpose of this training is to develop and enhance skills of juvenile court personnel who manage the day-to-day operations of juvenile court intake, detention facilities, juvenile court processing, and juvenile court data systems. The focus will be upon improved development and functioning of these systems within the juvenile court through upgrading skills of management staff. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Technical Assistance to the Juvenile Courts

$392,993 [1]

The National Center for Juvenile Justice (NCJJ) is the research division of the National Council of Juvenile and Family Court Judges. The general areas in which assistance will be provided include: Court administration and management, program development, court decision-making, legal opinions, due process, and case law. Emphasis will be placed on intermediate sanctions such as boot camps, and on appropriate dispositional alternatives for handling juveniles involved in gang activity. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Improving Literacy Skills of Institutionalized Juvenile Delinquents

$100,000

This is a collaborative interagency program between OJJDP and the Department of Education. Many juvenile delinquents in correctional institutions have a serious need to develop basic reading and writing skills. This program will improve the literacy levels of juvenile residents in these facilities while creating a national network of trained reading teachers and volunteers available to juvenile correctional facilities. The program will include training, technical assistance, and development of curricula for use by staff of detention and corrections facilities. The program should improve correctional education and the delivery of appropriate services to incarcerated juveniles. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Improving Conditions of Confinement: Training for Juvenile Corrections Staff

$600,000

This is a collaborative interagency program between OJJDP and the National Institute of Corrections (NIC) to continue the development of a comprehensive training program for juvenile corrections and detention staff personnel. The program is being designed to develop a core curriculum to provide training for juvenile corrections and detention administrators and mid-level management personnel in such areas as drug testing, gang activity and overcrowding. It is anticipated that the juvenile corrections core training will be conducted at the NIC Academy and that the more issue-oriented training will be done regionally. This program will be implemented under the existing interagency agreement.

Juvenile Justice Training for Prosecutors

$125,000

This project's activities include designing and implementing policy development workshops for chief prosecutors, and for juvenile unit chiefs in prosecutors' offices, to support their roles in the juvenile court processing of delinquents. Materials will be collected for the preparation of a training manual on policy issues pertaining to the prosecution of juvenile offenders. The project will also continue to issue a newsletter. To date, the National District Attorneys Association has presented five highly rated workshops designed to expand prosecutor involvement in juvenile justice. The training provided by the project addresses organizational leadership, management, and change. A major goal of the project is to make juvenile matters a priority concern in prosecutors' offices. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Training and Technical Assistance for Juvenile Detention and Corrections Agencies

$250,000

This project will continue to provide technical assistance and training to juvenile correctional and detention agencies. It will also provide a national forum on juvenile corrections to include representatives from the juvenile court judges and juvenile probation offices; develop a juvenile facility construction handbook; develop a behavior management training package; and complete the development of standards for all juvenile justice facilities. Emphasis will be placed on intermediate sanctions for handling juveniles involved in drug-related offenses and gang activities. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Juvenile Corrections Industries Venture Program

$150,000

The purpose of this program is to assist juvenile corrections agencies in establishing joint ventures with private businesses and industries in order to provide new opportunities for the vocational training of juvenile offenders. The grantee has performed an assessment of corrections industries ventures programs, developed a policies procedures manual, and produced training and technical assistance materials and is now in the process of selecting four to eight juvenile corrections agencies to participate in the training and technical assistance on the corrections venture models. The Fiscal Year 1992 funding will increase the number of sites receiving training and technical assistance. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Evaluation

$5,790,000

"The detailed picture of drug use and trafficking patterns necessary to formulate intelligent national policy can be developed only by means of wide-ranging, interdisciplinary data collection and evaluation." (National Drug Control Strategy, February 1991).

OJP Policy Statement

Evaluations are a primary component of OJP discretionary grant programs. OJP promotes program evaluation so that programs that are effective can be identified, publicized and replicated in other jurisdictions, while programs that have not proven effective can be discontinued. OJP will dedicate significant financial resources to encourage, enhance and enforce quality design and program development and will disseminate the results to communicate what works and what does not. These evaluation activities consist of formal assessments of OJP programs through objective measurement and systematic analysis of the manner and extent to which the programs achieve their objectives and produce significant results. The results are used to assist in the formulation of relevant criminal justice and juvenile justice policies. Related program design and the subsequent development and dissemination of program policies, procedures and practices provide information and guidance at the Federal, State and local levels.

OJP Program Response

Bureau of Justice Assistance (BJA)

$750,000

Continuation Programs

BJA-State Reporting and Evaluation Program

$750,000

This project is designed to develop and implement standardized assessments of subgrant performance data to allow the assessment and evaluation of formula grant drug control efforts at the State and local levels. The project will provide technical assistance to the 56 States and Territories directly and through a series of reports and technical assistance documents. This technical assistance will enhance the data collection, analysis and reporting capabilities of the State agencies designated to administer the formula grant program. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$4,250,000

New Programs

Evaluation Projects

$4,000,000

This is a collaborative intra-agency agreement between NIJ and BJA to evaluate a range of new programs funded under the Anti-Drug Abuse Act of 1988. Evaluation areas may include Corrections Options, Inmate Work and Education, Weed and Seed, Boys and Girls Clubs, Community Policing and Disruption of Drug Markets. NIJ will continue to evaluate innovative State and local anti-drug programs supported by BJA funds. In 1992, NIJ will co-sponsor with BJA the Third Annual Evaluation Conference to provide a forum for State and local officials to exchange information, provide technical assistance and training and disseminate the findings from completed evaluation studies. NIJ will also continue to build its evaluation capacity and consider possible supplements to ongoing projects. Multiple awards may be made in Fiscal Year 1992. Methods of procurement will be determined and solicitations issued, as appropriate.

Evaluation of Weed and Seed Projects

$250,000

The National Institute of Justice will continue to support evaluation projects that can provide model programs and strategies for the Weed and Seed comprehensive approach to neighborhood security. The focus will be on the development of a coordinated approach to community security through the integrated efforts of the police, citizen groups and other public and private agencies. Special attention will be given to evaluation projects that support each of the major components of Weed and Seed dealing with the suppression of neighborhood drugs and crime, police-community partnerships and neighborhood reclamation. Multiple awards may be made in Fiscal Year 1992. Methods of procurement will be determined and solicitations issued, as appropriate.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$790,000

New Programs

Effectiveness of Juvenile Offender Treatment: What Works Best and for Whom?

$50,000

OJJDP seeks to determine what forms of treatment are most effective for individual juvenile offenders. The initial project will determine the feasibility of a program of collection and review of data, previous studies, and current literature. Treatment, in this context, could range from release, restitution, community service, and probation to incarceration. The aim is to determine, insofar as possible, what forms of treatment and sanctions are most effective, and for which types of juvenile offenders. Subsequent findings would be made available to the juvenile courts in order to provide officials with the necessary data to assist them in selecting treatment options for juvenile offenders. Applications will be solicited competitively.

Continuation Programs

Independent Evaluations

$640,000

OJJDP awarded a contract to conduct independent evaluations of selected funded programs. This will establish a concerted, continuous effort to learn, in the following order of priority: Efficacy, cost-effectiveness, and impact of the discretionary programs. Reported findings, including strengths, weaknesses and other assessment data, will be made available to all concerned. The following criteria will determine the priority of programs selected for evaluation: (1) Continuations in order of number of years of funding and total expenditures; (2) new action programs being tested to serve as possible models;

and (3) new and continuing programs requiring decisions regarding continuation. This program will be implemented by the current contractor. No additional applications will be solicited in Fiscal Year 1992.

Fellowship Program

$100,000

Acting through the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP will continue a Fellowship Program which will provide grants of varying amounts to individuals for independent scholarly study in the field of juvenile delinquency. The Fellowship Program includes the Graduate Research Fellowship and the Summer (short-term) Research Fellowship. Each fellowship program selection will be based on a competitive review and evaluation of proposals for independent study on policy-relevant issues in the juvenile justice field that are closely coordinated with the Office of Justice Programs priority areas. (See OJP priorities under Proposed Programs in earlier sections of this notice.) The OJJDP fellowships are open to juvenile justice practitioners, new Ph.D.s, graduate students, and senior researchers. Each fellowship application will be expected to meet the criteria specified in the procedures and requirements of the OJJDP Fellowship Program. Fellowships will vary in length and amount. Additional applications will be solicited competitively to implement new activities in this continuation program in Fiscal Year 1992.

Money Laundering and Financial Investigation

$3,850,000

"A top priority of the National Drug Control Strategy is to bar the doors of the world's financial institutions to drug money launderers. Our comprehensive money laundering strategy focuses on four aspects of the problem: Improving our intelligence and data analysis capabilities to understand the financial activities of the drug traffickers better; conducting criminal investigations of suspected money laundering activities, to arrest and prosecute those engaging in same, and to seize and forfeit laundered drug proceeds and accumulated wealth * * * and finally * * * promoting international cooperation in stopping money laundering." (National Drug Control Strategy, February 1991.)

OJP Policy Statement

The criminal justice system must disrupt and destroy the production and distribution of illegal drugs and as a result remove the principal income generating activity for organized crime in the Nation. This requires appropriate statutory authorizations, specialized financial investigative techniques and expertise. Prosecutors and other law enforcement officials have to be knowledgeable in financial crimes and the movement of adult and juvenile illegal drug trafficking revenues. Countering major interstate drug enterprises requires techniques that involve identifying the hidden assets and proceeds of drug crime, tracing narcotics-related financial structures and money laundering schemes and asset administration. Demonstration, development, training and technical assistance programs as well as evaluation efforts are being implemented to promote and test a complete range of skills, techniques and approaches to effect the necessary legislation, policy and practices to conduct successful financial investigations.

OJP Program Response

Bureau of Justice Assistance (BJA)

$3,250,000

New Programs

COMMAND

$200,000 [1]

This will be a pilot program involving the cities of Buena Park and Fontana, California, COMMAND Asset Seizure and Forfeiture Administration Service, and the University of Nevada, Reno. It is designed to determine the feasibility of using private sector financial investigators to assist in the detection and seizure of hidden assets of drug traffickers.

Continuation Programs

Financial Investigation Demonstration (FINVEST)

$2,200,000 [1]

This program is designed to develop and implement centrally coordinated multijurisdictional financial investigation activities involving tracing narcotics-related financial transactions, analyzing movement of currency and identifying criminal financial structures and forfeitures. Fiscal Year 1992 funds will provide continuation funding for 12 existing sites and provide for continuation and expansion of the training and technical assistance component. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Civil RICO—Training and Technical Assistance

$250,000

This project will continue to provide sophisticated technical assistance, training and information exchange capabilities to State Attorneys General Offices. It will increase the use of State civil RICO and other civil remedy statutes as drug enforcement tools by providing technical assistance and training to all interested State Attorneys General Offices. Available statistical information will be shared with BJS. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Asset Seizure and Forfeiture Enforcement Training

$300,000 [1]

This is a collaborative interagency program between BJA and the Executive Office of Asset Forfeiture (EOAF). The purpose of this program is to provide training and technical assistance to State and local law enforcement investigators and selected prosecution personnel in State and local asset seizure and forfeiture statutes and appropriate Federal laws and protocols.

BJA has an existing grant with the Police Executive Research Forum (PERF) to provide training to State and local agencies to develop and implement asset seizure and forfeiture units within their respective departments. The training delivered under this program is directed specifically toward State asset seizure and forfeiture statutes and coordinated with the EOAF, cognizant U.S. Attorneys and with related BJA efforts in prosecution training in this area. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Asset Forfeiture Training for Prosecutors—Training Financial Investigations

$300,000 [1]

This program is designed to train State and local prosecutors and selected local law enforcement officers in implementing effective State forfeiture statutes. The training will address the key provisions of these statutes: civil (*in rem*) and criminal forfeiture procedures, substitute asset provisions, money laundering provisions and property management procedures. It will focus on how to develop the prosecution capacity, as well as policies and management to ensure just, ethical and

effective prosecution of the model State asset forfeiture provisions. Training will be provided to States that now have or are actively pursuing the adoption of the model asset forfeiture statute or an enhanced State asset forfeiture statute. Training will be increased for eight to ten more States. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$600,000

New Programs

Research and Development on White Collar and Organized Crime

$500,000

In Fiscal Year 1991, NIJ funded research aimed at increased understanding, prevention and control of money laundering, securities fraud and organized crime corruption of legitimate industries (construction). In addition, joint conferences were held with the FBI on money laundering and emerging economic crimes and with the DOJ Criminal Division on Asian organized crime. In Fiscal Year 1992, studies will target offenses that threaten to cause major physical, social and economic harm, such as insurance fraud and health care fraud as well as the drug trafficking and multiple illegal enterprises of violent organized criminal groups. These studies will seek to describe clearly the characteristics of these crimes and to identify effective strategies of prevention and control. Multiple awards may be made and solicitations will be issued, as appropriate.

Continuation Programs

Study of the Changing Structure of Organized Crime

$100,000

This project will examine international money laundering issues, including existing modes of money laundering by drug traffickers, organized crime and other criminals, current law enforcement strategies, cooperative efforts among nations and special problems faced by investigators and prosecutors in detecting and responding to these offenses. Recommendations will then be made for improved legislative and law enforcement strategies, highlighting multinational coordination. The study will be closely coordinated with NIJ's ongoing national assessment of money laundering. Applications will not be solicited in Fiscal Year 1992.

Information Systems, Statistics and Technology

$37,258,991

"Success on the interdiction, criminal justice, and other fronts will depend on acquiring, integrating, and disseminating information for planning, decision-making, and management of drug control resources." (National Drug Control Strategy, 1990.)

OJP Policy Statement

Criminal justice agencies need accurate, comprehensive and timely information in developing policies and allocating resources to prevent and control illegal drugs. OJP's Information Systems, Statistics and Technology activities focus on the collection and analysis of criminal and juvenile justice information related to serious crime, gang activity, illegal drug use, pre- and post- adjudicatory incarceration, criminal history and system-wide service response effectiveness. To enhance reporting and access to accurate and complete criminal history data, the improvement of criminal history information systems within the States is also a major focus of this activity. Statistical research, analysis, development and dissemination activities are used to implement this priority. Particular emphasis will be placed on technological programs that focus on less than lethal weapons and protective clothing.

OJP Program Response

Bureau of Justice Assistance (BJA)

$1,375,000

Continuation Programs

BJA Clearinghouse

$550,000

The BJA Clearinghouse maintains a criminal justice library of over 100,000 documents and an electronic data base of document surrogates which serve reference specialists in locating information quickly for the use of the criminal justice practitioners and research community. During Fiscal Year 1992, particular emphasis will be placed on OJP priorities; for example, publications regarding gangs and violence will be disseminated throughout the criminal justice community via reports, the NCJRS Electronic Bulletin Board and conference support system which ensures dissemination to all major criminal justice agencies and organizations in the Nation and worldwide. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Operational Systems Support Training and Technical Assistance (SEARCH)

$700,000 [1]

The purpose of this continuation program is to conduct outreach training to improve the general understanding of micro-computer automation and to provide criminal justice practitioners with information and demonstrations of specific criminal justice applications. It is designed to provide short-term technical assistance in order to address the specific needs of criminal justice agencies and long-term technical assistance to individual States or agencies within States which are not automated predominantly or seriously lag in their adoption of criminal justice automation. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Peer Review Services

$125,000

In approving programs for Federal funding, the process for reviewing competitive applications by independent experts in the field has been institutionalized in such a way as to avoid bias or the appearance of bias. Typically, there is a clearly delineated period of time in which to select a panel and complete the review. This contractor identifies potential panel reviewers, provides resumés of candidates and submits these to the program manager, who, in turn, presents them to the Director for final selection of the review panel participants. The contractor then collates a package of materials relevant to each program being reviewed, coordinates the review and prepares a synopsis of reviewers' comments on each of the applications. This project permits BJA to complete the application review and award process quickly and fairly. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992. Applications will be solicited competitively.

Bureau of Justice Statistics (BJS)

$19,205,000

New Programs

Visiting Research Fellowship Program

$100,000

The Visiting Research Fellowship Program promotes criminal justice statistical research among the academic

and professional criminal justice community to meet the specific needs of the Department of Justice and BJS. Visiting Fellows participate in a specifically designed research project of particular operational relevance to the national justice system or the international justice system. The Fellowship Program offers criminal justice researchers an opportunity to have a significant impact on specific BJS projects as well as a chance to investigate innovative approaches to the analysis and dissemination of BJS data. Fellows learn from and work with BJS statisticians and present seminars on the work they conduct. Applications will be solicited competitively.

Continuation Programs

Criminal History Record Improvements (CHRI) Program

$9,000,000

This is a collaborative intra-agency program between BJS and BJA with BJA providing all of the funds. The Attorney General's 3-year $27 million Criminal History Record Improvement (CHRI) program, funded by BJA and administered by BJS, will continue in Fiscal Year 1992. The major purposes of the program remain the same for the third year: (1) To make systematic improvements in the quality and timeliness of State criminal history records; (2) to identify convicted felons accurately; and (3) to meet new BJS/FBI voluntary reporting standards. Future changes may be made to this program to ensure consistency with related legislation now pending before the Congress. Under the BJS Information Policy Program, BJS will provide funding for the development of a national training curriculum and training for auditing State record improvements. Under a separate program, BJA is funding an evaluation of the CHRI program. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992.

National Judicial Reporting Program

$450,000

This program is governed by a reimbursable agreement between BJS and the Bureau of the Census. The National Judicial Reporting Program is the Nation's sole source of data on characteristics of persons convicted of felonies in State courts nationwide. Data are obtained from a nationally representative sample of 300 counties. Characteristics of these data include age, race, sex, conviction offense, type and length of sentence received, type of conviction and judicial processing time. In Fiscal Year 1992, the 1990 data collection process will be completed and BJS will conduct data analysis and prepare the report, Felony Cases in State Courts, 1990. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Prosecutor Survey Program

$120,000

This program is governed by a reimbursable agreement between BJS and the Bureau of the Census. The National Prosecutor Survey Program recently collected data on prosecutorial policies and practices from a nationally-representative sample of 290 chief prosecutors in State court systems. Data was collected and analyzed on such factors as staff size, use of plea bargaining, sentencing guidelines, court organization, capacity and workload. In Fiscal Year 1992, BJS will report the findings of the survey in the Special Report, National Prosecutor Survey, 1990. Additionally, BJS will initiate a 1992 survey of the same panel of 290 State court prosecutors, adding questions covering topics of special interest to the Department and the prosecutor community. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Pretrial Reporting Program (NPRP)

$450,000

NPRP collects data relating to the pretrial status of persons charged with felonies. Information gathered includes arrest offense, prior criminal record, type of pretrial release, failure to appear in court, rearrests while on pretrial release, disposition and sentencing. Data is being collected currently from 40 jurisdictions representing the 75 largest counties in the United States. These 75 counties account for about half the Nation's crime. The sample of defendants was tracked for 12 months beginning in May 1990 or until case disposition. Consideration will be given to expanding the sample and preparing for future data collection. The NPRP plans to release Pretrial Release of Felony Defendants, 1990 during Fiscal Year 1992. No additional applications will be solicited in Fiscal Year 1992.

Civil Justice Statistics

$175,000

BJS will initiate efforts in the collection and analysis of data related to selected civil justice topics, including the National Survey of State Court Organization. A 1992 national survey of State court organizations will be conducted to collect current information on the organizational, financial and personnel statistics relating to State and Federal judicial systems. A detailed report presenting the findings of the survey will be released in Fiscal Year 1992. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992.

National Corrections Statistics

$1,565,000

This program is governed by a reimbursable agreement between BJS and the Bureau of the Census. The corrections statistics program consists of a number of separate data collection and analysis efforts designed to obtain detailed information on offenders under correctional care, custody or control and the agencies and facilities responsible for administering the supervision of offenders. Statistical series obtain information on Federal, State and local correctional populations including those in confinement, as well as those subject to intermediate sanctions or conditional supervision in the community. The data collected and analyzed under the corrections statistics program will result in several publications and press releases during the Fiscal Year. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

State Statistical Analysis Network

$2,500,000

BJS provides financial and technical assistance to support a national network of State Statistical Analysis Centers (SACs) which are State-level organizations devoted to the collection, analysis and dissemination of criminal justice statistical information. Through the SAC programs, a new effort will be initiated which will assist States in: (a) Establishing an infrastructure which promotes the collection of common criminal justice statistical data among the States which emphasizes selected topics such as the control of gang activity and (b) developing a mechanism to share data and information among the States and to access Federal and State data and information electronically. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Statistical Initiatives for Improved Analysis

$550,000

BJS provides support to national organizations for special activities of national significance (for example, the Justice Research and Statistics Association, comprised of State Statistical Analysis Centers and their directors.) Activities anticipated this year include the development of: new research and evaluation measures, operationally relevant trend measures of special topics (e.g., State habeas corpus practices) and standards for justice statistics. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992.

Offender-Based Transaction Statistics (OBTS) Program

$150,000

The OBTS Program collects and analyzes data tracing the key decisions during the arrest, prosecution, judicial decision and incarceration of the felony offender within the State's criminal justice system. The Statistical Analysis Centers play a key role in the collection of these data. This is an expanding program with additional States participating in the data collection process as the quality and completeness of their criminal history records permit. BJS is currently receiving data on dispositions occurring in 1989. In Fiscal Year 1992, the 1989 data will be processed, analyzed and published in the report, Tracking Offenders, 1989. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Criminal Justice Expenditure and Employment Extracts

$145,000

This program is under a reimbursable agreement between BJS and the Bureau of the Census governing the work to be undertaken by Census for BJS. BJS will collect, analyze and publish extract data for the Criminal Justice Expenditure and Employment program which includes statistical data on the cost of operating the Nation's criminal justice systems. The last year for which complete and more detailed expenditure and employment data was collected and analyzed was 1990. This served as the basis for calculating variable pass-through data in distributing the formula funds of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program administered by BJA. Using extract data from the Census Bureau's ongoing finance and employment survey series, BJS will produce less detailed national estimates of expenditures and employment relating to major criminal justice activities, including police protection, prosecution, legal services, public defense and corrections. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Criminal Justice Statistical Compilations

$355,000

The Sourcebook of Criminal Justice Statistics, a BJS annual publication, provides in a single volume statistical data on a full range of criminal justice topics, from victimization to corrections. Data is compiled from over 100 different sources from various Federal agencies and private organizations. The Sourcebook is designed to make existing data more readily available to criminal justice practitioners, policymakers, researchers, the media and others in need of criminal justice statistics. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Technical Assistance in Law and Justice Statistics

$175,000

The purpose of this program is to ensure that all BJS programs benefit from a wide range of technical statistical expertise residing in other government agencies, the academic world, the research community and private industry. The Law and Justice Statistics Committee of the American Statistical Association provides technical advice to BJS, upon request, for the overall improvement of statistical methodology and data analysis and presentation. It also assists BJS personnel in a variety of ways including the review of written reports and documents, technical consultations with BJS personnel and in-depth studies of issues by the committee. Technical advice is given relating to the following matters: sample design, survey design, estimation techniques, data analysis and interpretation, and statistical and economic model design. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Federal Justice Statistics and Information Policy

$1,475,000

BJS has developed and maintained a Federal integrated data base which links information from investigative agencies, the Executive Office for U.S. Attorneys, the Administrative Office of the Courts and the Bureau of Prisons to understand the movement of cases and accused persons or offenders through the Federal criminal process. The Federal Justice Statistics program is currently developing, in conjunction with other Federal research and statistical agencies, a state-of-the-art automated model to simulate functioning of the Federal criminal justice system. The program produces annual compendiums, special reports and trend data relating to Federal justice statistics, sentencing and criminal case processing and Federal offenses and offenders. In Fiscal Year 1992, several efforts will be undertaken under the Information Policy Program, giving attention to privacy and security issues in data series, particularly criminal histories and other data bases where access is a critical issue. A curriculum will be developed and training provided in Criminal History Record Improvement (CHRI) auditing and a second comprehensive survey of the CHRI systems will be undertaken. A study will be conducted on issues associated with the merging of juvenile and adult criminal history records. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992.

International Statistics

$100,000

In its effort to make international criminal justice statistics more accessible within the United States, the International Statistics Program will continue to support a number of activities in Fiscal Year 1992. Foreign universities and research centers are encouraged to supply data tapes of crime statistics and criminal justice studies that have been conducted in other countries to the Criminal Justice Archive at the University of Michigan. A program which collects annual statistical reports on crime and justice from statistical agencies in other countries will be maintained through the National Criminal Justice Reference Service. Translation of selected reports from nonEnglish-speaking countries and dissemination of these data to American scholars and researchers is also accomplished through the National Criminal Justice Reference Service. BJS also provides financial assistance to the United Nations Criminal Justice Information Network which fosters easy communication among criminal justice professionals and dissemination of

criminal justice information and research findings around the world. BJS will assist the Department in providing relevant international statistics associated with topics of priority to the Department. Additional applications will be solicited to implement new activities in this continuation program in Fiscal Year 1992.

Publication and Dissemination

$1,895,000

BJS reports its statistical findings in a variety of publications, including bulletins, special reports, national updates, tomes, user guides and press releases. BJS sends reports to persons on one of 11 subject-oriented mailing lists to get new reports on specific data series. A variety of mechanisms and institutions are used by BJS to disseminate and promote utilization of data. Reports are distributed by two clearinghouses: the Justice Statistics Clearinghouse and the Drugs and Crime Data Center and Clearinghouse, through the National Criminal Justice Reference Service (NCJRS). In addition, the University of Michigan's Inter-University Consortium for Political and Social Research is the repository for and provides access to the public-use data tapes created as a result of all of the BJS data collection activities, including those of the Bureau of the Census, the Federal Bureau of Investigation and all BJS and NIJ grantees. Finally, BJS also supports the National Clearinghouse for Criminal Justice Information Systems (CJIS) which operates an automated index of more than 1,000 criminal justice information systems maintained by State and local governments throughout the Nation. As part of this program, the CJIS Clearinghouse operates an electronic bulletin board which promotes and facilitates the exchange of information among justice agencies and practitioners. The bulletin board features an electronic mail system, a variety of publications to read on-line or by downloading and the ability to exchange software between users. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

National Institute of Justice (NIJ)

$12,303,692

New Programs

Research and Development in Forensic Sciences and Criminal Justice Technology

$200,000

This science and technology program supports development of new methods, techniques and systems for improving criminal investigation. NIJ is considering a consolidation of the various DNA testing efforts underway nationally to produce reliable statistical and effective laboratory procedures as well as a national assessment of fingerprint technologies. Multiple awards may be made and solicitations will be issued, as appropriate.

State and Local Technical Assistance

$500,000

This program will provide assistance to State and local governments for implementing new and innovative approaches to crime control and criminal justice. The technical support will transfer and apply NIJ research findings and programs to the field. The methods of procurement in Fiscal Year 1992 will be determined.

"Research Focus" Series

$150,000

NIJ is developing a new research publication series which is designed to place current NIJ-sponsored research on critical policy issues in the hands of criminal justice officials. This national publication will highlight current and prior NIJ research on issues of importance to State and local governments. The primary audience for this series is criminal justice officials, agency administrators and policymakers at the State and local level. Each issue will be devoted to a single substantive topic, such as boot camps, intermediate sanctions, child abuse or gang violence and will be composed of six to eight individual articles describing NIJ research, relevant policy issues and current practice. Issues may be structured differently depending on the topic. The product will be highly readable with a focus on the substantive topic as it relates to criminal justice decisionmaking and current policy issues. Services are provided by a current contractor; no applications will be solicited in Fiscal Year 1992.

Continuation Programs

Research and Development in Forensic Sciences and Criminal Justice Technology

$350,000

NIJ plans to support continuation studies in Forensic Science. In Fiscal Year 1991, NIJ funded projects related to DNA profiling, fingerprints and other forensic science technology research. In Fiscal Year 1992, NIJ will continue its efforts to provide the criminal justice field with the latest forensic science and technological information and products. This includes projects that result in a sourcebook for serology (including DNA), fingerprinting and trace evidence and DNA testing. Methods of procurement will be determined and solicitations issued, as appropriate.

NIJ Technology Assessment Program

$938,000

The Technology Assessment Program Information Center operated by NIJ disseminates information to Federal, State and local law enforcement officials on the reliability and effectiveness of criminal justice equipment and products. Services are being provided by a current grantee; no new applications will be solicited in Fiscal Year 1992.

National Criminal Justice Reference Service (NCJRS)

$3,600,000

NCJRS serves as a clearinghouse by maintaining a criminal justice library of over 100,000 documents and an electronic data base which allows reference specialists to locate information quickly for use by law enforcement agencies, policymakers, criminal justice professionals and the research community. During Fiscal Year 1992, particular emphasis will be placed on OJP priorities. For example, publications regarding gangs and violence will be disseminated throughout the criminal justice community via announcements in NIJ Reports, through the NCJRS Electronic Bulletin Board and through conference support activities. This strategy ensures dissemination to all major criminal justice agencies and organizations. Fiscal Year 1992 is the second year of a 4-year contract period. No applications will be solicited in Fiscal Year 1992.

NIJ Research Support Services

$1,000,000

The services provided under this contract fall into three areas: peer review, logistical and technical support,

and consultant support. This contract provides for many of the essential research support and administration functions that are integral to NIJ's programs. This contract also may support a possible follow-up meeting of the Chemical Action Task Force in Fiscal Year 1992 which NIJ would coordinate with the Criminal Division of the Department of Justice. Methods of procurement will be determined, as appropriate.

NIJ Data Resources Program

$300,000

The purpose of the Data Resources Program is to facilitate production of fully documented, machine-readable criminal justice research data sets produced under NIJ grant awards. These data sets are made available for subsequent analysis through a public data archive. This program obtains machine-readable data, code-books, and other documentation as they are delivered to NIJ. These items are reviewed for accuracy, completeness and clarity. Of particular interest are those data related to NIJ's evaluation efforts. In addition, the Data Resources Program promotes access to and use of these data. Fiscal Year 1992 is the third year of a 3-year contract. A new contract may be competed in Fiscal Year 1992.

National Assessment Program

$170,000

The National Assessment Program (NAP) supports a triennial national survey of criminal justice policymakers and practitioners to ensure that their needs and priorities are included in the NIJ's research and development agenda. The NAP survey also serves as a means to identify emerging areas of concern in the field and helps inform those in criminal justice about issues of concern to their colleagues nationwide. A new contract may be offered for competition in Fiscal Year 1992.

Less-than-Lethal Weapons Program

$3,585,692

A major research priority will be to continue the development and testing of less-than-lethal weaponry for use in the criminal justice system. NIJ is developing and evaluating less-than-lethal weaponry systems for use by patrol officers. Continued evolution of this research program will be based on an ongoing assessment of the needs of law enforcement in light of emerging technological advances. Multiple awards may be made in Fiscal Year 1992.

Administration of Justice Seminars

$10,000

NIJ will continue to sponsor seminars on the Administration of Justice in Fiscal Year 1992. Seminars provide for the exchange of information, ideas and differing perspectives among the three branches of government on key issues and concerns in the effective operation of the judicial system. In addition, they provide a vehicle for the dissemination of research results to key policymakers and identify critical areas for further research. Services are provided by a current grantee; no applications will be solicited in Fiscal Year 1992.

NIJ Research Applications Program

$600,000

The Research Applications Contract supports applied research projects, summaries of major studies, and syntheses of studies in identified topic areas. The program also develops reports, publications and program development products to convey useful research-based information to criminal justice policymakers and professional audiences. A number of projects underway and proposed for Fiscal Year 1992 specifically address the Office of Justice Programs' initiatives on Gangs and Violence, Prosecution, Drug Prevention and Victims. Services are provided by a current contractor. However, applications for the Fiscal Year 1993 procurement may be accepted in Fiscal Year 1992.

NIJ Professional Conference Series

$500,000

The Professional Conference Series sponsors meetings, workshops and national conferences to provide information and research findings on criminal justice issues to State and local officials, to serve as a forum for discussions with criminal justice professionals on their needs and priorities and to develop and refine research agendas. Plans for Fiscal Year 1992 include the delivery of regional training workshops on evaluating criminal justice programs. Focus groups will be convened to identify the concerns of law enforcement and corrections professionals and to provide feedback on and support for programs in community policing, law enforcement technology and drug testing. As proposed in Fiscal Year 1991, NIJ will continue to sponsor regional conferences on intermediate sanctions. Fiscal Year 1992 is the second year of a 3–year contract period. Applications will not be solicited in Fiscal Year 1992.

Fellowship Programs

$400,000

NIJ's Fellowship Program will support work on topics of high priority to the Attorney General, OJP and NIJ. The program includes graduate fellowships and grants to researchers and practitioners for research in criminal justice. This program also includes grants to Historically Black Colleges and Universities. Multiple awards will be made under this program. Methods of application will be determined and solicitations issued, as appropriate.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

$4,375,299

New Programs

Telecommunications Technology for Training and Information Dissemination

$100,000

The purpose of this program is to take advantage of the newly developed technology of satellite communications by examining the feasibility of using this medium for the training and dissemination activities of OJJDP. Funds under this program would support a feasibility study to determine (1) what programs currently being implemented by OJJDP would best lend themselves to satellite technology, (2) what modes of the technology (i.e., teleconferencing, closed circuit satellite television, etc.) would best suit the needs of our target audiences and the Federal, State and local governments, and (3) what cost benefits the agency could realize through application of satellite communications. Additionally, the program would fund one pilot project as a demonstration effort to gather additional information on implementation issues, reaction of the field, and assessment of the medium for training and dissemination activities of OJJDP. Application will be solicited competitively.

Continuation Programs

National Juvenile Court Data Archive

$611,998

This program collects, processes, analyzes, and disseminates available data concerning the Nation's juvenile courts. The Archive collects automated data and published reports from juvenile courts throughout the Nation. Using the automated data, the Archive produces comprehensive reports on the activities of the juvenile courts. These reports examine resources expended, referral, offenses, intake, and disposition. These

reports also examine specialized topics such as minorities in juvenile courts, gang-related offenses, or specific offense categories. The Archive also provides direct assistance to jurisdictions in analyzing their juvenile court data, yielding better case flow management and more effective allocation of resources. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Juvenile Justice Data Resources

$55,000

This is an interagency agreement between OJJDP and the University of Michigan. This program addresses the need to enhance the availability of juvenile justice data sets and to improve OJJDP's analytic capability. In order to make the data more widely available, this project assures that data are understandable and accurate, or "clean." This project also ensures that the data are fully documented to be of use to researchers and others. OJJDP will conduct cross analyses of data sets to add to the knowledge and understanding necessary for improved policy decisions. Improved computer capabilities will give OJJDP access to past data sets thus permitting the study of trends.

Research Program on Juveniles Taken Into Custody

$450,000

This continuing statistical program produces an annual report to OJJDP and the Congress containing a detailed summary and analysis of the most recent data available regarding the numbers and characteristics of juveniles taken into custody. A major objective of this program is to develop individual-based data collection systems that are more responsive to the statutory requirements and the needs of the field. There are two projects under this program: one with the U.S. Census Bureau and the other with the National Council on Crime and Delinquency (NCCD). NCCD's role in this program is to refine the data collection design and procedures; develop, in concert with the Census Bureau, technical assistance and training materials; continue the feasibility testing; and analyze juvenile corrections data and prepare reports. No additional application will be solicited in Fiscal Year 1992.

Juveniles Taken Into Custody

$150,000

This is an interagency agreement with the U.S. Bureau of the Census in which OJJDP is providing all of the funds. The Juveniles Taken into Custody (JTIC) program is conducted in collaboration with the National Council on Crime and Delinquency (NCCD). The Census Bureau contributes to the refinement of the program design, provides training and technical assistance and is responsible for all aspects of data collection and processing. Automated data tapes containing detailed, case-level data on juveniles admitted to and released from State juvenile correctional custody during a given year are submitted to the Census Bureau for processing. The data are analyzed by NCCD.

Children in Custody Census

$300,000

This is a collaborative interagency program between the Bureau of the Census and OJJDP in which OJJDP is providing all or a major portion of the funds. This biennial census of public and private juvenile detention and correctional facilities is conducted by the Census Bureau to describe the subject facilities in terms of their resident populations as well as their programs and physical characteristics. This program will be implemented under the existing interagency agreement. No additional applications will be solicited in Fiscal Year 1992.

Juvenile Justice Statistics and Systems Development

$550,000

The purpose of this program is to improve national and sub-national (State and local) statistics on juvenile justice as well as decision-making and management information systems (MIS) within the juvenile justice system. The project is divided into two tracks, the National Statistics Track (NST) and Systems Development Track (SDT). The NST is helping to formulate a comprehensive National Juvenile Justice Statistics program which will include a series of regular reports on the extent and nature of juvenile offenses and victimization and the justice system's response. A major product will be a Report to the Nation on Juvenile Crime and Victimization. The SDT will assess juvenile justice agencies' decision-making, needs and capabilities to generate and use information; develop models for decision-making and related MIS; and develop and provide training and technical assistance to promote the adoption of model systems in test sites. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Study to Evaluate Conditions in Juvenile Detention and Correctional Facilities

$250,000

This national study of conditions of confinement in juvenile facilities will give facility administrators, agency directors, state policymakers and the Congress a systematic overview of the field. The study has involved a review and assessment of secure juvenile detention centers, reception and diagnostic centers, training schools, farms, ranches, and camps operated by public and private agencies in all 50 states. State and local officials will be able to use the information from the study to refine their programs, services, facilities and policies and to provide better information on conditions of confinement and quality of life linked to overcrowding. A major product of this study will be a summary of the results and a report to the Congress on the conditions existing within juvenile detention and correctional facilities, including recommendations for the improvement of those conditions as needed. This program will be implemented by the current grantee. No additional applications will be solicited in Fiscal Year 1992.

Juvenile Justice Clearinghouse

$780,301

The Clearinghouse provides support services to OJJDP in preparing the Office's publications; collecting, synthesizing, and disseminating information on all aspects of juvenile delinquency; and preparing specialized responses to information requests from the juvenile justice field. A toll-free number is maintained for information requests. This program will be implemented by the current contractor. No additional applications will be solicited in Fiscal Year 1992.

National Coalition of State Juvenile Justice Advisory Groups

$500,000 [1]

The National Coalition of State Juvenile Justice Advisory Groups was established in 1983 as an organization that would support and facilitate the purposes and functions of state juvenile justice and delinquency prevention groups. In 1984 Congress also required the National Coalition to prepare and submit an Annual Report to the President, the Congress, and the OJJDP Administrator which reviews Federal policies regarding juvenile justice and delinquency prevention. The Coalition is also authorized to disseminate information, data, standards, and

advanced techniques. Applications will not be solicited competitively.

OJJDP Technical Assistance Support Contract

$628,000

The purpose of this project is to provide technical assistance and support to OJJDP, the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention on all research, program development, evaluation, training, and research activities. This program will be implemented by the current contractor. No additional applications will be solicited in Fiscal Year 1992.

Walter W. Barbee,

Acting General Counsel, Office of Justice Programs.

[FR Doc. 91-30580 Filed 12-24-91; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Request for copies must be received in writing on or before February 10, 1992. Once the appraisal of the records is completed , NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates or previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the record and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Health and Human Services, Centers for Disease Control (N1-442-90-5). Records relating to the Agent Orange Project.

2. Department of Health and Human Services, Centers for Disease Control (N1-442-91-6). Records relating to the distribution of swine flu vaccine and compensation for side-effects.

3. Department of Health and Human Services, Public Health Service (N1-90-91-2). Audiovisual records of the Office of Assistant Secretary for Health.

4. Department of State, Bureau of Intelligence and Research (N1-59-91-34). Routine and facilitative records.

5. Department of the Treasury, United States Secret Service (N1-87-89-2). Revisions to comprehensive schedule for field office investigative records.

6. Department of the Treasury, United States Secret Service (N1-87-91-2). Litigation case files.

7. Federal Emergency Management Agency (N1-311-92-2). Records relating to the proposed National Emergency Training Center in Carson City, NV.

8. General Accounting Office (N1-411-92-1). Financial disclosure statements.

9. General Services Administration (N1-234-92-1). Administrative records of the Price Adjustment Board, Reconstruction Finance Corporation.

10. National Archives and Records Administration (N1-GRS-92-3). Records relating to Equal Employment Opportunity complaints that do not develop into official cases.

11. National Archives and Records Administration (N2-34-91-1). Administrative and fiscal records, 1933-75, accessioned from the Federal Deposit Insurance Corporation.

12. National Endowment for the Arts (N1-288-92-1). Grant case files.

Dated: December 19. 1991.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 91-30785 Filed 12-24-91; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Meeting

AGENCY: National Commission on Acquired Immune Deficiency Syndrome.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces a forthcoming meeting of the Commission.

DATE AND TIME: Tuesday, January 14, 1992; 8:30 a.m. to 5:30 p.m.

PLACE: Pan American Health Organization, 525 23rd Street, NW., Washington, DC 20037.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT: Roy Widdus, Ph.D., Executive Director, The National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street NW., suite 815, Washington, DC 20006, (202) 254-5125. Records shall be

kept of all Commission proceedings and shall be available for public inspection at this address.

AGENDA: The agenda for the Commission meeting includes a discussion of the future of the Human Immunodeficiency Virus (HIV) epidemic as well as Commission business. Inquiries regarding the agenda should be addressed to the Commission. Written comments on this issue are welcome from interested individuals or organizations.

Interpreting services are available for deaf people. Please call our TDD number (202) 254–3816 to request services no later than January 8, 1992.

Dated: December 19, 1991.

Roy Widdus,

Executive Director.

[FR Doc. 91–30799 Filed 12–24–91; 8:45 am]

BILLING CODE 6820–CN–M

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

Meeting

AGENCY: The National Commission on American Indian, Alaska Native, and Native Hawaiian Housing.

ACTION: Notice of public hearings and meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing announces the forthcoming public hearings and meeting of the Commission.

DATES: January 7 & 8, 1992, 9 a.m. to 5 p.m.

ADDRESSES: Hotel Denver Downtown, 1450 Glenarm Place, Denver, Colorado 80202, (303) 573–1450.

FOR FURTHER INFORMATION CONTACT: Lois V. Toliver, Administrative Officer, (202) 275–0045.

Type of Meeting: Open.

Agenda: Call to Order, Roll Call, Chairman's Message, Introduction of Commissioners and Guests, Presentations from Invited Guests.

Lois V. Toliver,

Administrative Officer.

[FR Doc. 91–30774 Filed 12–24–91; 8:45 am]

BILLING CODE 6820–07–M

NATIONAL COMMUNICATIONS SYSTEM

Federal Telecommunication Standards

AGENCY: Office of Technology and Standards, National Communications System.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on proposed Federal Telecommunications Standard 1046; "Telecommunications: High Frequency Radio Automatic Networking."

DATES: Comments are due on or before March 26, 1992.

ADDRESSES: Send comments to the National Communications System, Office of Technology and Standards, Attn: NT, 701 South Court House Road, Arlington, VA 22204–2199.

FOR FURTHER INFORMATION CONTACT: Institute for Telecommunications Sciences, National Telecommunications and Information Administration, Mr. Robert T. Adair, telephone (303) 497–3723, or Mr. David F. Peach, telephone (303) 497–5309.

SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer communication interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Requests for copies of the November 14, 1991 draft proposed FED–STD–1046, should be directed to the National Communications System, Office of Technology and Standards, Attn: NT, 701 South Court House Road, Arlington, VA 22204–2199.

Dennis Bodson,

Assistant Manager, NCS Office of Technology and Standards.

Beverly Sampson,

Federal Register Liaison Officer.

[FR Doc. 91–30809 Filed 12–24–91; 8:45 am]

BILLING CODE 3610–05–M

Federal Telecommunication Standards

AGENCY: National Communications System, Office of Technology and Standards.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on proposed Federal Telecommunications Standard 1045A; "Telecommunications: High Frequency Radio Automatic Link Establishment."

DATES: Comments are due on or before March 26, 1992.

ADDRESSES: Send comments to the National Communications System, Office of Technology and Standards, Attn: NT, 701 South Court House Road, Arlington, VA 22204–2199.

FOR FURTHER INFORMATION CONTACT: Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Mr. Robert T. Adair, telephone (303) 497–3723, or Mr. David F. Peach, telephone (303) 497–5309.

SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer communication interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Requests for copies of the November 14, 1991 draft proposed FED–STD–1045A, should be directed to the National Communications System, Office of Technology and Standards, Attn: NT, 701 South Court House Road, Arlington, VA 22204–2199.

Dennis Bodson,

Assistant Manager, NCS Office of Technology and Standards.

Beverly Sampson,

Federal Register Liaison Officer.

[FR Doc. 91–30810 Filed 12–24–91; 8:45 am]

BILLING CODE 3610–05–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Challenge/Advancement Advisory Panel (Advancement Literature Section; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Advancement Literature Section) to the National Council on the Arts will be held on January 16, 1992 from 9 a.m.–5 p.m. in room M–07 at the Nancy Hanks Center, 110 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 9 a.m.–9:30 a.m. The topic will be introductory remarks.

The remaining portion of this meeting from 9:30 a.m.–5 p.m. is for the purpose of application review on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to his meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts. Washington, DC 20506, or call (202) 682–5433.

Dated: December 19, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–30788 Filed 12–24–91; 8:45 am]

BILLING CODE 7537–01–M

Challenge/Advancement Advisory Panel (Advancement Opera-Musical Theater Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Advancement Opera-Musical Theater Section) to the National Council on the Arts will be held on January 24, 1992 from 9 a.m.–5 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 9 a.m.–9:30 a.m. The topic will be introductory remarks.

The remaining portion of this meeting from 9:30 a.m.–5p.m. is for the purpose of application review on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, this session will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Savine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: December 19, 1991.

Yvonne M. Savine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–30789 Filed 12–24–91; 8:45 am]

BILLING CODE 7537–01–M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Visual/Media/Design/Literary Section) to the National Council on the Arts will be held on January 14, 1992 from 9:15 a.m.–6 p.m., January 15 from 9 a.m.–6 p.m., and January 16 from 9 a.m.–5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on January 14 from 9:15 a.m.–10:30 a.m. and January 16 from 3 p.m.–5:30 p.m. The topics will be opening remarks, general program overview, and policy discussion.

The remaining portions of this meeting on January 14 from 10:30 a.m.–6 p.m., January 15 from 9 a.m.–6 p.m., and January 16 from 9 a.m. to 3 p.m. are for the purpose of Panel instructions, application review, and procedures on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applications. In accordance with the determination of the Chairman of November 21, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: December 18, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–30786 Filed 12–24–91; 8:45 am]

BILLING CODE 7537–01–M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (American Film Institute Section) to the National Council on the Arts will be held on January 14, 1992 from 10 a.m.–5 p.m. in room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 10 a.m.–10:30 a.m. The topic will be introductory remarks.

The remaining portion of this meeting from 10:30 a.m.–5 p.m. is for the purpose of application review on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: December 19, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–30787 Filed 12–24–91; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chamber/Jazz Ensembles and Composer in Residence Section) to the National Council on the Arts will be held on January 13–16, 1992 from 9 a.m.–5:30 p.m., and January 17 from 9 a.m.–4 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 17 from 3 p.m.–4 p.m. The topics will be policy discussion and guidelines review.

The remaining portions of this meeting on January 13–16 from 9 a.m.–5:30 p.m. and January 17 from 9 a.m.–3 p.m. are for the purpose of application review on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 683–5433.

Dated: December 19, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–30791 Filed 12–24–91; 8:45 am]

BILLING CODE 7537–01–M

Presenting and Commissioning Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Presenting and Commissioning (formerly Inter-Arts) Advisory Panel (Interdisciplinary Projects Section) to the National Council on the Arts will be held on January 13–16, 1992 from 9 a.m.–7 p.m., and January 17 from 9 a.m.–5 p.m., in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 17 from 2 p.m.–5 p.m. The topics will be guidelines review and policy discussion.

The remaining portions of this meeting on January 13–16 from 9 a.m.–7 p.m. and January 17 from 9 a.m.–2 p.m. are for the purpose of application review on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 21, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: December 19, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–30790 Filed 12–24–91; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting two notices of information collections that will affect the public. Interested persons are invited to submit comments by January 17, 1991. Comments may be submitted to:

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Personnel and Management, National Science Foundation, Washington, DC 20550, or by telephone (202) 357–7335, and to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, room 3208, NEOB, Washington, DC 20503.

Title: Visiting Professorships for Women Program Evaluation.

Affected Public: Individuals.

Respondents/Burden Hours: 600 respondents/40 minutes each response.

Abstract: The survey is needed to assess the impact of the Visiting Professorships for Women program, a program that provides funding on a competitive basis for women scientists and engineers to undertake advanced research at host institutions. Information obtained from this study will be used for program planning within the Directorate for Education and Human Resources.

Dated: December 19, 1991.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 91–30792 Filed 12–24–91; 8:45 am]

BILLING CODE 7555–01–M

Continental Dynamics Proposal Review Panel; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Continental Dynamics Proposal Review Panel.

Date and Time: January 30–31, 1992; 9 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1243, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Leonard E. Johnson, Program Director, Continental Dynamics Program, National Science Foundation, room 602, Washington, DC 20550. Telephone: (202) 357–7721.

Purpose of Meeting: To provide advice and recommendations concerning applications submitted to NSF for financial support.

Agenda: Review and evaluate proposals for the Continental Dynamics Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b. (c) (4) and (6) the Government in the Sunshine Act.

Dated: December 17, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–30794 Filed 12–24–91; 8:45 am]

BILLING CODE 7555–01–M

Collection of Information Submitted For OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science foundation is posting two notices of information collections that will effect the public. Interested persons are invited to submit comments by January 17, 1992. Comments may be submitted to:

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Personnel and Management, National Science Foundation, Washington, DC 20550, or by telephone (202) 357–7335, and to:

(B) *OMB Desk Officer.* Officer of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, room 3208, NEOB, Washington, DC 20503.

Title: Baseline Data for the Young Scholars Program.

Affected Public: Individuals.

Respondents/Reporting Burden: 48,150 responses/16 minutes each response.

Abstract: NSF needs this information to establish baseline data on its Young Scholars Program. This will allow for the assessment of program impact after enough time has elapsed to allow for observable results, including the influence of participation on career selection. The affected individuals are students in the projects.

Dated: December 19, 1991.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 91–30793 Filed 12–24–91; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Education and Human Resources

Dates and Time: February 6, 1992, 12:30 p.m.–5 p.m.; February 7, 1992, 8:30 a.m.–5 p.m.

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Peter E. Yankwich, Executive Secretary, Directorate for Education and Human Resources, National Science Foundation, room 516, Washington, DC. 20550, Telephone: (202) 357–9522.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning NSF support for Education and Human Resources.

Agenda: Review of FY 1992 Programs and Initiatives, Review of FY 1993 Programs and Initiatives, Strategic Planning for FY 1994 and Beyond.

Dated: December 18, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–30795 Filed 12–24–91; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mechanical and Structural Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural System.

Date and Time: January 28, 1992; 8:30 a.m. to 5 p.m.; January 29, 1992; 8:30 a.m. to 12 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 543, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Drs. Jerome L. Sackman & Huseyin Sehitoglu, Program Directors, 1800 G Street, NW., room 1108, Washington, DC 20550 Telephone: (202) 357–9542.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate unsolicited proposals submitted to the Mechanics and Materials Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 522b (c) (4) and (6) of the Government in the Sunshine Act.

Dated: December 17, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–30796 Filed 12–24–91; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Studies, Evaluation, and Dissemination; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Studies, Evaluation, and Dissemination.

Date and Time: January 22–23, 1992; 9 a.m.–5 p.m.

Place: Hotel Washington, 15th & Pennsylvania Avenue NW., Washington, DC 20004.

Type of Meeting: Open.

Contact Person: Dr. Kenneth J. Travers, Office Head, Office of Studies, Evaluation, and Dissemination, Directorate for Education and Human Resources, National Science Foundation, rm. 516, Washington, DC 20550, Telephone: (202) 357–7425.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice concerning evaluations of programs in the Division of Human Resource Development (HRD).

Agenda: Familiarization of panel with EHR/Human Resource Development programs, especially Research Careers for Minority Scholars; overview of existing HRD evaluations; report on evaluation activities and data base committees; and discussion of future evaluation work.

Dated: December 19, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–30797 Filed 12–24–91; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

GPU Nuclear Corp.; and Jersey Central Power & Light Co., Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–16 issued to GPU Nuclear Corporation, et al. (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would revise Technical Specification Sections 4.2.A and 4.2.C.1 to delete restriction that the refueling outage interval is not to exceed 20 months. This revision accommodates implementation of a 21-month operating cycle with a 3-month refueling outage. Specifically, it relates to the surveillance requirements for shutdown margin and measured scram time for the control rods.

The proposed amendment is in accordance with GPU Nuclear Corporation's application dated August 19, 1991 as revised August 29, 1991.

Need for the Proposed Action

The proposed change to the Facility Operating License is needed so that surveillance requirements for shutdown margin and measured scram time of control rods is extended to accommodate a 21-month operating cycle with a 3-month outage or a 24-month plant refueling cycle.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to Technical Specification Section 4-2 "Reactivity Control." The proposed revision would accommodate implementation of a 21-month operating cycle with a 3-month outage or a 24-month plant refueling cycle for the Oyster Creek surveillance requirements for shutdown margin and measured scram time of control rods. The surveillance interval is presently 20 months.

Based on its review, the Commission concludes that the proposed change is acceptable. The staff has determined that the proposed change does not alter any initial conditions assumed for the design basis accidents previously evaluated nor change operation of safety systems utilized to mitigate the design basis accidents.

The proposed change does not increase the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed change to the License involves one component in the plant which is located within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impacts. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed actions, any alternatives with equal or greater environmental impacts need not be evaluated.

Alternative Use of Resources

The action would involve no use of resources not previously considered in the Final Environmental Statement (FES) for the Oyster Creek Nuclear Generating Station dated December 1974.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the staff has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the application for amendment dated August 19, 1991, as revised August 29, 1991, which is available for public inspection in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 20555 and the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland this 17th day of December 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate 1–4, Division of Reactor Project—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–30830 Filed 12–24–91; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from December 2, 1991 through December 13, 1991. The last biweekly notice was published on December 11, 1991 (56 FR 64649).

Notice of Consideration of Issuance of Amendment To Facility Operating License And Proposed No Significant Hazards Consideration Determination And Opportunity For Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 27, 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 for the particular facility involved. 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 of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission,

Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director):** 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 the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment 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 for the particular facility involved.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: July 15, 1991, as supplemented September 10, 1991

Description of amendments request: The proposed amendments would revise numerous sections of the Technical Specifications (TS) to provide for (1) the planned changeover of fuel type from the current Westinghouse 17x17 low-parasitic (LOPAR) fuel assemblies to Westinghouse 17x17 VANTAGE-5 fuel assemblies, and (2) the removal and replacement of the existing Unit 2 resistance temperature detector (RTD) bypass manifold system with fast response RTDs located in the reactor coolant hot and cold leg piping. The proposed TS changes were justified on the basis of the specific design features of VANTAGE-5 fuel and RTD replacement, making use of improved computer code methodologies in the determination of gain in departure from nucleate boiling (DNB) margin and in safety and accident analyses. The RTD replacement for Unit 1 was previously approved on March 8, 1991 (56 FR 11788).

The proposed TS changes related to core safety limits, reactor trip system instrumentation setpoints and DNB parameters are contained in TS Section 2.1 (Safety Limits), TS Section 2.2 (Limiting Safety System Settings), TS 3/4.2 (Power Distribution Limits), TS 3/4.2.2 (Heat Flux Hot Channel Factor, F (sub script Q)(Z)), TS 3/4.2.3 (Nuclear Enthalpy Hot Channel Factor - F (super script N sub script delta H), TS 3/4.2.5 (DNB Parameters) and their associated Bases.

The changes to TS Bases 2.1.1 (Reactor Core, Safety Limits), 2.2.1 (Reactor Trip System Instrumentation Setpoints), 3/4.2 (Power Distribution Limits) and 3/4.4.1 (Reactor Coolant Loops and Coolant Circulation) pertain to the determination of DNB parameters, F (sub script Q)(Z) and F (super script N sub delta H), using the Westinghouse DNB correlations WRB-1 and WRB-2 (Westinghouse proprietary correlations).

The moderator temperature coefficient is increased by the revision to TS 3.1.1.3 (Moderator Temperature Coefficient). The allowable rod drop time is increased in the revised TS 3.1.3.4 (Rod Drop Time). The response time for Power Range, Neutron Flux, High Negative Rate in Table 3.3-2 (Reactor Trip System Instrumentation Response Times) is changed to "Not Applicable", since this function is not used as a primary protection function and is not taken credit for in any accident analysis. In the same Table 3.3-2, the allowable response time for overtemperature delta temperature (OT delta T) is increased to allow for the thermal resistance of the thermowells after the RTD replacement.

The allowable containment pressure high-high-high and high-high limits are decreased in Table 3.3-4 (Engineered Safety Factor (ESF) Actuation System Instrumentation Trip Setpoints) to account for the effects of uncertainties associated with plant instrumentation, procedures and measurement techniques. Also because of these uncertainties, the allowable limits for steam line isolation on high steam flow coincident with T (sub script avg) low-low were increased. The response time for the steam line isolation is changed to "Not Applicable" in Table 3.3-5 (ESF Response Times) because it is not used as a primary protection function and is not taken credit for in any accident analysis.

The revisions to TS 3.4.1.2 (Reactor Coolant System, Hot Standby) and Bases 3/4.4.1 (Reactor Coolant Lopps and Coolant Circulations) permit Mode 3 operation with two reactor coolant pumps running and their associated loops operable.

The proposed change to TS 6.9.1.11 (Administrative Controls, Radial Peaking Factor Limit Report) revises the reporting requirement to 30 days after cycle initial criticality.

For all of the proposed TS changes listed above, the licensee has considered the effects of the changes on the safety analyses.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration for each aspect of the changes associated with the use of VANTAGE-5 fuel and replacement of the RTD bypass manifold. The licensee's analysis is presented below:

A. Reactor Core Safety Limits, Reactor Trip System Instrumentation Setpoints, and DNB Parameters

1. The proposed safety limits, reactor trip setpoints, and DNB related parameters Technical Specifications changes do not increase the probability or consequences of an accident previously evaluated in the FSAR [Final Safety Analysis Report]. The core safety limits, trip setpoints, and DNB parameters were determined using [Nuclear Regulatory Commission] NRC-reviewed and approved DNB methodologies, namely RTDP [revised thermal design procedure] improved THINC-IV model [thermal-hydraulics computer code], and the WRB-1 and WRB-2 DNB correlations. No new performance requirements are being imposed on any system or component in order to support the revised DNBR [departure from nucleate boiling ratio] analysis assumptions. Overall plant integrity is not reduced. The DNB sensitive transients were reanalyzed. The DNB design criterion continues to be met. None of these changes directly initiate an accident; therefore, the probability of an accident has not increased. The acceptance criteria for the reanalyzed analyses with these revised DNB parameters continue to be met; therefore, the consequences of accidents previously evaluated in the FSAR are not significantly changed. All dose consequences have been evaluated for these changes and all acceptance limits continue to be met.

2. The proposed safety limits, reactor trip setpoints, and DNB-related parameters Technical Specifications changes do not create the possibility of a new or different kind of accident than any accident already evaluated in the FSAR. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. The proposed Technical Specifications changes have no

adverse effects on any safety-related system and do not challenge the performance or integrity of any safety-related system. The DNB design criterion continues to be met. Therefore, the possibility of a new or different kind of accident is not created.

3. The proposed Technical Specifications changes do not involve a significant reduction in a margin of safety. The change in the DNBR design limits are [sic] associated with the use of NRC-approved methodologies (RTDP and WRB-1 and WRB-2 DNB correlations) and the improved THINC-IV model. In addition, the VANTAGE-5 fuel design, including IFM (intermediate flow mixer) grids, uses the WRB-2 correlation and has been generically approved by the NRC. The DNB design criterion remains unchanged, even with the changes in DNBR design limit values. Therefore, the new DNBR design limit values associated with the DNB methodology and correlation changes, upon which the Technical Specifications changes are based, do not result in a significant reduction in the margin of safety because the DNB design criterion continues to be met.

B. Reactor Trip System Instrumentation Response Times

1. The deletion of response time for reactor trip on high negative flux rate does not significantly increase the probability or consequences of an accident previously evaluated in the FSAR. This function provides no primary protection for any transient in the FSAR. The power range high negative flux rate reactor trip is considered to be a diverse RPS [reactor protection system] feature. No new performance requirements are being imposed on any system or component. Consequently, overall plant integrity is not reduced. This change has no effect on any dose calculations. Therefore, the probability or consequences of an accident will not increase.

2. The reactor trip response time change to "Not Applicable" for high negative flux rate does not create the possibility of a new or different kind of accident from any previously evaluated in the FSAR. This response time is not an initiator for any transient. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this modification. The response time change does not challenge or prevent the performance of any safety-related system during plant transients. Therefore, the possibility of a new or different kind of accident is not created.

3. This change does not involve a significant reduction in the margin of safety. All primary trip functions and ESF actuations are unaffected by the change in this response time. In addition, the other Technical Specification surveillance testing requirements (e.g., channel calibration) associated with the power range high negative flux rate reactor trip are not affected by this change. Therefore, the deletion of the response time does not affect the results of any accident analysis, and the margin of safety is maintained and not significantly reduced.

C. Increase in Shutdown and Control Rod Drop Time

1. The increase in rod drop time will not result in a significant increase in the probability or consequences of any accident previously evaluated in the FSAR, since the increased rod drop time has been accounted for in all accident analyses and the same surveillance requirements will be used to detect inoperable rods and increased rod drop times. The effects of increased rod drop time on all applicable analyses and dose calculations have been evaluated or analyzed, and all the acceptance limits continue to be met.

2. The possibility of a new or different type of accident is not involved because the increase in rod drop time used in the analyses and in the proposed Technical Specifications is consistent with the design of the VANTAGE-5 fuel and does not indicate any new or different failure mechanism.

3. The effects of the increased rod drop time have been included in all applicable analyses and evaluations of accidents and transients. These analyses demonstrated that the plant will remain within previously accepted limits; therefore, the increase in the allowable rod drop time does not result in a significant reduction in a margin of safety.

D. Increased Positive Moderator Temperature Coefficient (PMTC)

1. The proposed Technical Specifications changes with respect to increased moderator temperature coefficient do not involve a significant increase in the probability or consequences of an accident previously evaluated in the Farley FSAR. The mechanical design changes associated with VANTAGE-5 fuel result in the capability for relaxation of analytical input parameters, such that increased margin can be generated without violation of any acceptance criteria. This margin can then be applied towards relaxation of operational limits such as moderator temperature coefficient. In all cases, the appropriate design and acceptance criteria are met. No new performance requirements are being imposed on any system or component in order to support the revised analysis assumptions. Subsequently, overall plant integrity is not reduced. Therefore, the probability of an accident has not significantly increased.

The radiological consequences of an accident previously evaluated in the FSAR are not increased due to the proposed increase in PMTC. Evaluations have confirmed that the doses remain within previously approved acceptable limits, as well as those defined by 10 CFR [Part] 100. Therefore, the radiological consequences to the public resulting from any accident previously evaluated in the FSAR has not significantly increased.

2. The Technical Specifications changes with respect to increased moderator temperature coefficient do not create the possibility of a new or different kind of accident from any previously evaluated in the FSAR. No new accident scenarios, failure mechanism, or limiting single failures are introduced as a result of the fuel transition. Neither the presence of VANTAGE-5 fuel assemblies in the core nor the revised analytical assumptions, including increased PMTC, create new challenges to the performance of any safety-related system. Therefore, the possibility of a new or different kind of accident is not created.

3. The Technical Specifications related to PMTC changes do not involve a significant reduction in the margin of safety. The margin of safety for fuel-related parameters, including increased PMTC, associated with the VANTAGE-5 transition are defined in the Bases of the Technical Specifications. These Bases and the supporting Technical Specifications values are defined by the accident analyses which are performed to conservatively bound the operating conditions defined by the Technical Specifications and to demonstrate meeting the regulatory acceptance limits. Performance of analyses and evaluations for the VANTAGE-5 fuel transition with increased PMTC has confirmed that the operating envelope defined by the Technical Specifications will be bounded by the revised analytical basis, which in no case exceeds the acceptance limits. Therefore, the margin of safety provided by the analyses in accordance with these acceptance limits is maintained and is not significantly reduced.

E. Increased F [subscript Q], F [subscript delta H], and Modification of K(Z) Curve

1. The F [subscript delta H] and K(Z) [axially dependent multiplier] curve Technical Specifications changes do not involve a significant increase in the probability or consequences of an accident previously evaluated in the Farley FSAR. The mechanical design changes associated with VANTAGE-5 fuel and the improved methodologies result in the capability for relaxation of analytical input parameters, such that increased margin can be generated without violation of any acceptance criteria. This margin can then be applied towards relaxation of operational limits such as higher F [subscript Q] (Z) and F [subscript delta H] for the VANTAGE-5 assemblies. In each case, however, the appropriate design and acceptance criteria are met. No new performance requirements are being imposed on any system or component in order to support the revised analysis assumptions. Subsequently, overall plant integrity is not reduced. Furthermore, the parameter changes are associated with features used as limits or mitigators to assumed accident scenarios and are not accident initiators. Therefore, the probability of an accident has not significantly increased.

The radiological consequences of an accident previously evaluated in the FSAR are not increased due to these Technical Specifications changes. Evaluations have confirmed that the doses remain within previously approved acceptable limits as well as those defined by 10 CFR [Part] 100. Therefore, the radiological consequences to the public resulting from any accident previously evaluated in the FSAR have not significantly increased.

2. The F [subscript Q], F [subscript delta H], and K(Z) curve Technical Specifications changes do not create the possibility of a new or different kind of accident from any previously evaluated in the FSAR. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the fuel transition. The presence of VANTAGE-5 fuel assemblies in the core or the revised analytical assumptions have no

adverse effect and do not challenge the performance of any other safety-related system. Therefore, the possibility of a new or different kind of accident is not created.

3. The F [subscript Q], F [subscript delta H], and K(Z) curve Technical Specifications changes do not involve a significant reduction in the margin of safety. The margin of safety for fuel-related parameters associated with the VANTAGE-5 transition are defined in the bases to the Technical Specifications. These bases and the supporting Technical Specifications values are defined by the accident analyses which are performed to conservatively bound the operating conditions defined by the Technical Specifications and to demonstrate that the regulatory acceptance limits are met. Performance of analyses and evaluations for the proposed inclusion of separate F [subscript Q's] and F [subscript delta H's] for VANTAGE-5 and LOPAR [low parasitic] fuel types and modification of the K(Z) curve have confirmed that the operating envelope defined by the Technical Specifications continues to be bounded by the revised analytical basis, which in no case exceeds the acceptance limits. Therefore, the margin of safety provided by the analyses in accordance with these acceptance limits is maintained and is not significantly reduced.

F. Engineered Safety Features (ESF) Allowable Values

1. The ESF allowable value changes do not significantly increase the probability or consequences of an accident previously evaluated in the FSAR. These allowable values are not input parameters to any transient in the FSAR. No new performance requirements are being imposed on any system or component. Consequently, overall plant integrity is not reduced. These changes have no effect on any dose calculations. Therefore, the probability or consequences of an accident will not increase.

2. The ESF allowable value changes do not create the possibility of a new or different kind of accident from any previously evaluated in the FSAR. These values are not an initiator for any transient. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of these changes. The allowable value changes do not challenge or prevent the performance of any safety-related system during plant transients. Therefore, the possibility of a new or different kind of accident is not created.

3. These changes do not involve a significant reduction in the margin of safety. All trip setpoints associated with these changes have been preserved. Therefore, the small changes to the allowable values do not effect the results of any accident analysis. Therefore, the margin of safety is maintained and not significantly reduced.

G. Engineered Safety Features (ESF) Response Times

1. The ESF response time change for this steam line isolation function does not significantly increase the probability or consequences of an accident previously evaluated in the FSAR.

This function provides no primary protection for any transient in the FSAR. No new performance requirements are being imposed on any system or component. Consequently, overall plant integrity is not reduced and dose calculations are not affected. Therefore, the probability or consequences of an accident will not increase.

2. The ESF response time change to "Not Applicable" for the high steam flow in coincidence with low-low Tavg [average reactor coolant temperature] function does not create the possibility of a new or different kind of accident from any previously evaluated in the FSAR. This response time is not an initiator for any transient. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this modification. The response time change does not challenge or prevent the performance of any safety-related system during plant transients. Therefore, the possibility of a new or different kind of accident is not created.

3. This change does not involve a significant reduction in the margin of safety. All primary reactor trip functions and ESF actuations are unaffected by the change in this ESF response time. In addition, the other Technical Specification surveillance testing requirements (e.g., periodic channel checks and calibrations) associated with high steam flow coincident with low-low Tavg are not affected by this change; therefore, performance of these surveillance tests will continue to demonstrate operability. Therefore, the change to the response time does not affect the results of any accident analysis, and the margin of safety is maintained and not significantly reduced.

H. Reactor Coolant Loops and Coolant Circulation (Mode 3)

1. The Technical Specifications change with respect to Mode 3 operation requiring only two RCPs [reactor coolant pumps] operable does not involve a significant increase in the probability or consequences of an accident previously evaluated in the Farley FSAR. Capability for relaxation of analytical input parameters has been demonstrated by acceptable analytical results without violation of any acceptance criteria. This can allow a reduction in the number of RCPs required for Mode 3. In all cases, the appropriate design and acceptance criteria are met. No new performance requirements are being imposed on any system or component in order to support the revised analysis assumptions. Subsequently, overall plant integrity is not reduced. Therefore, the probability of an accident has not significantly increased.

The radiological consequences of an accident previously evaluated in the FSAR are not increased due to this proposed Technical Specifications change. Evaluations have confirmed that the doses remain within previously approved, acceptable limits as well as those defined by 10 CFR [Part] 100. Therefore, the radiological consequences to the public resulting from any accident previously evaluated in the FSAR has not significantly increased.

2. The Technical Specifications changes [sic] with respect to requiring only two RCPs in Mode 3 does not create the possibility of a new or different kind of accident from any previously evaluated in the FSAR. No new accident scenarios, failure mechanism, or limiting single failures are introduced as a result of this change. No new challenges to safety systems have been identified because of this proposed change. Therefore, the possibility of a new or different kind of accident is not created.

3. The proposed Technical Specifications change related to requiring only two RCPs in Mode 3 does not involve a significant reduction in the margin of safety. The margin of safety associated with this change is defined in the bases to the Technical Specifications. These bases and the supporting Technical Specifications are defined by the accident analyses which are performed to conservatively bound the operating conditions defined by the Technical Specifications and to demonstrate meeting the regulatory acceptance limits. Performance of analyses and evaluations have confirmed that the operating envelope defined by the Technical Specifications continues to be bounded by the revised analytical basis, which in no case exceeds the acceptance limits. Therefore, the margin of safety provided by the analyses in accordance with these acceptance limits is maintained and is not significantly reduced.

I. Administrative Change for Radial Peaking Factor Limit Reporting

1. Since the reporting requirements are an administrative change, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated in the Farley FSAR. With the exception of the reporting schedule, no other changes to the reporting requirements are made.

2. This administrative change in reporting requirements does not create the possibility of a new or different kind of accident from any previously evaluated in the Farley FSAR, since only the time for reporting requirements has changed. Therefore, the possibility of a new or different kind of accident is not created.

3. This administrative change is not safety-related and, therefore, does not involve any reduction in the margin of safety.

J. Farley, Unit 2, Resistance Temperature Detector (RTD) Bypass Removal

1. The use of fast response RTDs does not involve a significant increase in the probability or consequences of any accident previously evaluated. The non-LOCA and LOCA accidents were reviewed in WCAP-12614, Rev. 2, verifying that the variations in uncertainty associated with certain reactor trip functions were unacceptable. It is concluded that an increase in RCS [reactor coolant system] temperature uncertainty can be accommodated by margins in the safety analyses to acceptance criteria limits and allocation of generic DNB margin. Evaluation of the modification to the Reactor Coolant System boundary has also been performed, and no degradation in integrity is involved. In addition, the recent analyses and evaluations conducted to support the transition to VANTAGE-5 fuel at Farley were performed with a bounding set of plant operating parameter uncertainties that bound plant operation with or without the RTD bypass manifold temperature system. Therefore, the

potential effects of RTD Bypass Elimination (RTDBE) on plant operation with VANTAGE-5 fuel have been considered and found not to involve a significant increase in the probability or consequences of any accident previously evaluated.

2. The use of fast response RTDs does not create the possibility of a new or different kind of accident from any accident previously evaluated. The three dual-element hot leg RTDs and one dual-element cold leg RTD will utilize the existing penetrations, whenever possible, into the RCS piping from the bypass system with only slight modifications. Caps and welds sealing the crossover leg bypass return nozzle and piping, as well as the modification and welding for the existing penetrations, will be qualified in accordance with the ASME code, thus precluding the possibility for a new or different kind of accident.

The function of the [delta] T/T [subscript avg] protection channels is not changed because of the bypass elimination. The newly installed fast response RTDs perform the same function in both T[subscript hot] [RCS hot leg temperature] and T [subscript cold] [RCS cold leg temperature] applications. The three T [subscript hot] signals are electronically averaged. Dual-element RTDs are installed in the hot and cold legs. Should one RTD element fail, the spare element can be connected. In addition, the average T [subscript hot] signal can be electronically biased to a two RTD average should one dual RTD fail. The measured temperature values will still serve as input to two-out-of-three voting logic for protection functions. The Median Signal Selector (MSS) will eliminate the potential for control and protection interactions with all [delta] T/T [subscript avg] applications. The basis for the instrumentation and control design meets the criteria of applicable IEEE [Institute of Electrical and Electronic Engineers] standards, regulatory guides, and general design criteria, in that such principals [sic] as electrical separation, seismic and environmental qualification, and single failure criteria are satisfied. Therefore, there is no possibility of a new or different kind of accident as a result of the instrumentation aspects of RTD Bypass Elimination.

3. The effect of RTD Bypass Elimination, response time, setpoint uncertainty, temperature, and flow measurement uncertainty does not involve a significant reduction in a margin of safety. These changes have been evaluated and compared to the acceptance limits with respect to the fuel, RCS pressure boundary, and containment. All acceptance limits continue to be met. The evaluation of the effect of these variables on non-LOCA and LOCA transients has verified that plant operation will be maintained within the bounds of safe, analyzed conditions as defined in the FSAR with the revised Technical Specifications, and the conclusions presented in the FSAR remain valid. As such, there is no significant reduction in the margin of safety for operation of J. M. Farley Nuclear Plant Unit 2 with RTD Bypass Elimination.

The NRC staff has reviewed the licensee's analysis; and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

Attorney for licensee: James H. Miller, III, Esq., Balch and Bingham, P. O. Box 306, 1710 Sixth Avenue North. Birmingham, Alabama 35201

NRC Project Director: Elinor G. Adensam

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: November 27, 1991

Description of amendments request: The proposed amendments would revise Calvert Cliffs Units 1 and 2 Technical Specifications (TS) Section 3/4.6.1.2 and associated Bases to increase the surveillance intervals for Type B and C leak tests to up to 30 months to accommodate the 24-month fuel cycle currently in use. The proposed amendment would also reduce the maximum allowable combined leakage rate of Type B and C leak tests. In accordance with the guidance provided in Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to accommodate a 24-month fuel cycle," the licensee has provided an analysis in support of the proposed changes. In addition, the proposed amendments would make an administrative revision to Section 3/4.6.1.2 and remove a note regarding a one-time extension which no longer applies.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Neither containment penetrations, nor their leak rate testing processes, are considered as initiators for any accidents previously evaluated. Therefore, the probability of previously evaluated accidents would not be increased by this change to the operating license.

Since the containment leakage rate is a direct assumption of dose calculations for all design basis accidents, the requested change could potentially affect the consequences of previously evaluated accidents. However, the assumed maximum allowable leakage rate is not changed and must continue to be met. While the surveillance interval between leak rate testing of containment penetrations is increased, the margin between the specified allowable leakage and maximum allowable leakage is proportionately increased to provide an equivalent margin for increase of leakage during the surveillance interval. Therefore, the consequences of previously evaluated accidents are not significantly affected by this change.

(2) Would not create the possibility of a new or different type of accident from any accident previously evaluated.

This change in surveillance intervals does not affect the design or function of any equipment, nor the operation of such equipment. Therefore, the proposed change does not create the possibility of a new or different type of accident from any accident previously evaluated.

(3) Would not involve a significant reduction in a margin of safety.

A significant margin, 0.40 L_a, is provided between the specified allowable containment penetration leakage rate limits and the maximum allowable leakage rate limit which is used as the assumed containment leakage rate in accident dose calculations. This change would increase this margin by 25 percent to match the 25 percent increase in the surveillance interval. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra

Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: October 31, 1991

Description of amendment request: The proposed amendment request changes the required refueling shutdown margin accomplished with a required minimum boron concentration of 1950 ppm from 10 percent delta K/K to 6 percent delta K/K.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility, in accordance with the proposed amendment, would not involve a significant increase in the probability or consequences of an accident previously analyzed.

Since the purpose for Shutdown Margin [SDM] during refueling is protection against accidental criticality, Inadvertent Boron Dilution during Refueling is the only Updated FSAR Chapter 15 event pertinent to the parameter being changed. Because changing the shutdown reactivity associated with the same boron concentration of 1950 ppm does not affect the boration/dilution equipment or procedures, the probability that an accidental dilution will occur cannot be affected.

The purpose of analysis of Inadvertent Boron Dilution in UFSAR Section 15.4.6 is to show that there is sufficient operator response time to avoid accidental criticality. In other words, the calculation is focused on preventing instead of withstanding an accidental criticality. The consequences of this event are not increasing because the accident analysis will continue to make an off-site dose calculation unnecessary.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated because inadvertent criticality is the only relevant concern and:

- Changing the shutdown reactivity requirement associated with the boron concentration of 1950 ppm does not affect the boration/dilution equipment or procedures.
- Control rods are intentionally withdrawn from fuel assemblies during refueling only one at a time, and the reactivity "worth" of an individual RCCA will always be much less than 6 percent delta K/K.
- The requirement that the 1950 ppm be enough to keep the core subcritical with no control rods present is being retained.
- Six percent SDM is more than enough to cover any uncertainty in fuel assembly placement allowed by fuel shuffle procedures.

3. Operation of the facility, in accordance with the proposed amendment, would not involve a significant reduction in a margin of safety.

Since the only purpose for Shutdown Margin during refueling is protection against accidental criticality, Inadvertent Boron Dilution during refueling is the only pertinent FSAR Chapter 15 event. Although analysis in UFSAR does not explicitly mention initial refueling shutdown margin in terms of reactivity, this change can indirectly affect the analysis by allowing a higher refueling critical boron concentration. Since this represents a less restrictive constraint for the analysis at this mode, the estimated time to complete loss of all available shutdown margin (which in this case corresponds to criticality) for Refueling for future core loadings may be less, more closely approaching those of other modes (e.g., Cold Shutdown). In other words, because the acceptance criteria for Inadvertent Boron Dilution is defined in terms of the time available for the operator to terminate the dilution flow before the core goes critical, and because this change will allow the calculation of a shorter "time" for Refueling, the calculated margin to the NRC acceptance limit for this accident may be considered to decrease.

In considering "Time to Loss of Shutdown Margin" as a measure of the "margin of safety," the impact of reducing the required shutdown margin from 10 percent to 6 percent is not significant for several reasons:

(1) As noted, the minimum refueling boron concentration of 1950 ppm is not changing.

(2) Even in the unlikely case that the critical boron concentration increases to the new limit (i.e., 1950 ppm comes to correspond to 6 percent delta K/K), more than half of the original shutdown margin is retained. In rough terms, reducing the shutdown margin by 40 percent can be expected to result in a similar reduction in the calculated "Time to Loss of Shutdown Margin." The 68.4 minutes previously calculated for Cycle 14 for the refueling condition can be reduced considerably and still meet the 30-minute minimum allowable operator response time presented in our Cycle 10 SER as an acceptance criterion. Therefore, a 6 percent delta K/K is consistent with the acceptance limit for our present analysis of Inadvertent Boron Dilution for the refueling condition.

(3) In a practical sense, it is the "Time" estimation in UFSAR (rather than the extent of initial negative reactivity) that provides the assurance that the core will not achieve criticality in the unlikely event of accidental dilution. This more meaningful commitment in UFSAR Section 15.4.6 to maintain adequate operator response time is unchanged.

In summary, since this change will slightly reduce the extent to which the core is required to be subcritical during refueling, it does result in a small increase in the susceptibility to inadvertent criticality. However, maintaining the same acceptance criteria for analysis of Inadvertent Boron Dilution ensures that there is no significant reduction in the margin of safety with respect to this accident. Likewise, the proposed Refueling Shutdown Margin of 6 percent is more than adequate to accommodate the other credible reactivity challenges represented by movement of core components.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Elinor G. Adensam

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: November 26, 1991

Description of amendment request: The proposed amendment relocates the existing procedural details of the current Radiological Effluent Technical Specifications (RETS) to the Offsite Dose Calculation Manual (ODCM), and procedural details for the solid radioactive wastes to the Process Control Program (PCP). The amendment also incorporates the respective programmatic controls in the Administrative Controls section of the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because relocating the Radiological Effluent Technical Specifications (RETS) to the Offsite Dose Calculation Manual (ODCM) or the Process Control Program (PCP) is strictly an administrative change that does not reduce or modify any existing safety requirement or procedures;

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because no new accident scenario is created and no previously evaluated accident scenario is changed by re- locating procedural requirements from one controlled document to another; or

(3) Involve a significant reduction in a margin of safety because no modification of any plant structure, system, component or operating procedure is associated with this administrative change so all safety margins remain unchanged.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: L. B. Marsh

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: August 6, 1991

Description of amendment request: The proposed revisions would change the maximum allowable combined flowrates from both reactor makeup water pumps for Modes 3-5 with one or both trains of the Boron Dilution Mitigation System (BDMS) inoperable. The restriction to either isolate or limit the flowrate from both reactor makeup water pumps with one or both trains of the BDMS inoperable is being added to the Mode 6 BDMS Technical Specification. This request also includes administrative changes to the BDMS Technical Specifications (TS) for Modes 3-5 and Mode 6.

Catawba Units 1 and 2 are equipped with a BDMS which serves to detect uncontrolled dilution events in Modes 3-6 of plant operation. The BDMS uses two source range detectors to monitor the subcritical multiplication of the reactor core. An alarm setpoint is continually calculated. Once the alarm setpoint is exceeded, each train of the BDMS will automatically shut off both reactor makeup water pumps, align the suction of the charging pumps to highly borated water from the Refueling Water Storage Tank, and isolate flow to the charging pumps from the Volume Control Tank. Since these functions are automatically actuated by the BDMS, no operator action is necessary to terminate the dilution event and recover the shutdown margin.

The evaluation of dilution events in Modes 3-6 must demonstrate that the dilution will be terminated, either by the BDMS or by the operator, before criticality occurs. In the event that one or both trains of the BDMS is inoperable in these modes, the flowrate of the Reactor Makeup Water System is limited to values which have been shown to allow adequate operator action time to terminate the dilution before criticality occurs. This accident was reanalyzed based on a Westinghouse bulletin concerning potential nonconservatism in the existing boron dilution analysis. Reanalysis of the boron dilution event in Modes 3-6 shows a need to change the TS flowrates. The new flowrates result from changes in two of the flowrate calculation parameters. For all modes, the increase in temperature of the diluting water as it reaches the Reactor Coolant System (RCS) was factored into the calculation of the dilution rate. Since the diluting water is typically colder than the RCS inventory, the diluting water expands within the RCS. This expansion causes a given volumetric flowrate measured at the colder temperature to correspond to a larger volumetric flowrate dilution flowrate within the RCS. This temperature increase was not accounted for in the original analysis. The diluting water source is conservatively assumed to be 30° F and 0 ppm boron. This reduced the maximum allowable combined reactor makeup water pump output from 200 gpm to 150 gpm for Mode 3 and from 80 gpm to 75 gpm for Mode 5.

The second flowrate calculation parameter change increased the minimum water volume in the RCS for Mode 4 from 3588 ft ^{3} to 9029 ft ^{3}. The original Mode 4 analysis had incorrectly used the Modes 5 and 6 minimum RCS water volume of 3588 ft ^{3} instead of the correct Mode 4 value of 9029 ft ^{3}. This change over-shadowed the temperature difference correction and resulted in an increase in the maximum allowable combined reactor makeup water pump output from 80 gpm to 150 gpm. The additional formalized requirement for Mode 6 is considered appropriate to ensure that the 30 minute operator action time for mitigation of a dilution event is available.

The following changes to the TS are proposed: (1) TS 3.3.3.12 (a)(2) and (b)(2), and TS 4.3.3.12.2 (b) would be changed to reflect the new required flowrates; (2) TS 3.9.2.1 (a)(1) and (a)(2) would be modified and TS 4.9.2.1.2 (d) would be added to include isolating or limiting the flowrate from the Reactor Makeup Water Pumps; (3) ACTION (d) is being removed from TS 3.9.2.1 because it is no longer required based on the issuance of Amendment 48/41 which was made using the guidance of Generic Letter 87-09; (4) The footnote in TS 3.3.3.12 and 3.9.1.2 that refers to applicability for Unit 2 has been removed since this time has passed; (5) The addition of "(square root of 10)" to TS 3.3.3.12 (a)(2) and (b)(2) is to provide additional clarity and consistency with TSs 4.3.3.12.2 (a), 3.9.2.1, (2) and 4.9.2.1.2 (c); (6) The removal of "3/4.3.3.12" from the title of the TS provides consistency with other TS in this section; and (7) The spelling of the word "least" has been corrected in TS 4.9.2.1.2 (c).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Changes 1 and 2

The proposed amendment does not involve an increase in the probability or consequences of any previously evaluated accident. No accident initiators are affected by this change so the probability of a previously evaluated accident is not increased. The consequence of a boron dilution accident is recriticality of the reactor core. The flowrate reduction in

Modes 3 and 5 due to temperature differences between the diluting water source and the RCS adds more conservatism to the analysis which decreases the chance that the reactor core will become critical due to a boron dilution accident. The overall increase in the Mode 4 flowrate results from using the correct minimum RCS water volume, thus removing unnecessary conservatism. The added restriction that requires either isolating or limiting the combined flowrate from both reactor makeup water pumps for Mode 6 ensures that the 30 minute operator action time is available for mitigation of a dilution event. The calculated consequences of the boron dilution accident are unchanged.

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. This proposed Technical Specification change will not cause any physical changes to the plant. The plant will continue to operate the same way it does now with the exception of the new reactor makeup water flowrates. These new flowrates are necessary to ensure that the Standard Review Plan operator action times are available for the mitigation of a dilution event.

The proposed amendment does not involve a significant reduction in a margin of safety. The flowrate reduction in Modes 3 and 5 due to temperature differences between the diluting water source and the RCS adds more conservatism to the analysis which increases the margin of safety. The overall increase in the Mode 4 flowrate results from using the correct Mode 4 minimum RCS water volume, thus removing unnecessary conservatism. The added restriction that requires either isolating or limiting the combined flowrate from both reactor makeup water pumps for Mode 6 ensures that the 30 minute operator action time is available for mitigation of a dilution event. The calculated margin of safety remains unchanged.

Change 3

The exemption from the requirements of TS 3.0.4 are no longer necessary because of the issuance of Amendment 48/41 to the Catawba Technical Specifications. This amendment was made using the guidance contained in NRC Generic Letter 87-09. The NRC has already concluded that the changes made using the guidance of Generic Letter 87-09 contain no significant hazards.

Change 4

The footnote regarding applicability for Unit 2 after entering Mode 2 following the first refueling outage has been removed since this time has passed. This change is administrative in nature and does not involve significant hazards consideration.

Change 5

The addition of the phrase "square root of 10" clarifies the meaning of "one-half

decade." This was inadvertently left out in some of the actions that require verifying the Alarm Setpoints on the Source Range Neutron Flux Monitors. The addition of the phrase "square root of 10" is administrative in nature and does not involve significant hazards consideration.

Change 6

The removal of the number 3/4.3.3.12 from the title of the Technical Specification provides formatting consistency with other titles in this section. This change is administrative in nature and does not involve significant hazards consideration.

Change 7

The word "least" had been misspelled "lest." This spelling correction is administrative in nature and does not involve significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: David B. Matthews

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: April 15, 1991

Description of amendment request: The proposed amendment would change Technical Specifications 3.3.1 and 3.3.2 for South Texas Project, Units 1 and 2 (STP). Specifically, the licensee is requesting to remove two tables regarding response times of reactor trip system instrumentation and engineered safety features from the STP Technical Specifications. These tables would be placed in Chapter 16 of the STP Updated Final Safety Analysis Report (USFAR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequence of an accident previously evaluated.

No change is being proposed to physical systems in the plant; information on response times for reactor trip system instrumentation and engineered safety features would be relocated to the UFSAR. Changes to UFSAR tables regarding response times would be made pursuant to 10 CFR 50.59, thereby ensuring proper safety considerations. Therefore, the proposed change does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change would not affect the design, configuration, or method of operation of the plant. Transferring tables from the Technical Specifications to the UFSAR is an administrative change with no effect on plant operations. Any changes to response times would be evaluated pursuant to 10 CFR 50.59 and safety questions, if any, would be adequately handled through that process. Therefore, since no actual changes to safety systems would be made, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in the margin of safety.

Existing Technical Specification operability and surveillance requirements would not be reduced by the proposed change, and the change would not affect a safety limit or a Limiting Condition for Operation. Changes to tables regarding response times would be handled pursuant to 10 CFR 50.59, reviewed by PORC [Plant Operations Review Committee], and then approved by the Plant Manager. Changes which involve an unreviewed safety question will be reviewed and approved by the NRC prior to implementation. Therefore, no margins of safety are significantly reduced by the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW, Washington, DC 20036

NRC Project Director: Suzanne C. Black

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: October 12, 1990, as superseded by letter dated October 25, 1991.

Description of amendment request: This was previously published in the **Federal Register** on December 26, 1990 (55 FR 53072). The proposed amendment would delete Table 5.7-1 (Component Cycle or Transient Limits) from the Technical Specifications. Cyclic/transient occurrences identified in the Updated Final Safety Analysis Report, Table 3.9-8, would be tracked through administrative procedures. Houston Lighting & Power Company (licensee) had previously submitted an amendment request by letter dated October 12, 1990, to delete Table 5.7-1. The October 25, 1991 submittal supersedes the October 12, 1990 letter, which includes and incorporates the NRC staff comments. The licensee's analysis of no significant hazards consideration has not changed, however, it will be repeated for completeness.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of accidents previously evaluated.

The removal of cyclic or transient limits from the STPEGS [South Texas Project or STP] Technical Specifications has no influence or impact on the probability or consequences of any accident previously evaluated. The change is administrative in nature. The cyclic or transient limits will still be monitored in the operation of the STP plants.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This change is administrative in nature and involves no change to the design bases or operating procedures. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not result in a significant reduction in the margin of safety.

The margin of safety is not affected by the removal of cyclic or transient limits from the Technical Specifications. The margin of safety presently provided by current Technical Specifications remains unchanged.

The appropriate measures exist to control the values of these cyclic or transient limits. Therefore, the proposed changes are administrative in nature and do not impact the operation of STP in a manner that involves a reduction in the margin of safety. The proposed amendment continues to require operation within the cyclic or transient limits and appropriate actions to be taken when or if limits are violated remain unchanged.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW, Washington, DC 20036

NRC Project Director: Suzanne C. Black

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: September 20, 1991

Description of amendment request: In accordance with 10 CFR 50.90, Illinois Power Company (IP) proposed changes to the following Clinton Power Station (CPS) technical specification (TS) sections: (1) 3/4.3.1, "Reactor Protection System Instrumentation"; (2) 3/4.3.3, "Emergency Core Cooling System Actuation Instrumentation"; (3) 3/4.3.6, "Control Rod Block Instrumentation"; (4) 3/4.3.2, "Containment and Reactor Vessel Isolation Control System"; (5) 3/4.3.4.1, "ATWS Recirculation Pump Trip System Instrumentation"; (6) 3/4.3.4.2, "End-of-Cycle Recirculation Pump Trip System Instrumentation"; (7) 3/4.3.5, "Reactor Core Isolation System Actuation System Instrumentation"; (8) 3/4.3.6, "Control Rod Block Instrumentation"; (9) 3/4.3.7.1, "Radiation Monitoring Instrumentation"; (10) 3/4.3.9, " Plant Systems Actuation Instrumentation"; (11) 3/4.4.2.1, "Safety/Relief Valves"; (12) 3/4.4.2.2, "Safety/relief Valves Low-Low Set Function". The proposed TS changes involve revisions to the instrumentation repair allowable out-of-service time (AOT), surveillance AOT, channel functional test intervals, staggered test intervals, and editorial corrections.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The staff's review is presented below:

(1) These proposed changes do not involve a change to the plant design or operation, only to the allowable out-of-service time (AOT) and frequency at which testing of instrumentation is performed. Failure of instrumentation itself cannot create an accident. As a result, these proposed changes cannot increase the probability or significantly increase the consequences of any accident previously evaluated.

(2) These proposed changes do not result in any changes to the plant design or operation, only to the AOT and frequency at which testing of instrumentation is performed. Since failure of this instrumentation itself cannot create an accident, these proposed changes can at most affect only accidents which have been previously evaluated. Therefore, these proposed changes cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The combined effect of the changes proposed for the instrumentation should result in an overall improvement in plant safety. In addition, IP has confirmed that the proposed changes to the functional test intervals will not result in excessive instrument drift relative to current, established setpoints. Therefore, these proposed changes, taken as a whole, do not result in a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: John N. Hannon

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: October 22, 1991

Description of amendment request: In accordance with 10 CFR 50.90, Illinois Power Company (IP) proposes to change Clinton Power Station (CPS) Technical Specification (TS) 6.2.3.2, which describes the composition of the Independent Safety Evaluation Group (ISEG) to provide a second set of acceptable qualifications for ISEG members. The proposed change would allow a person who holds or has held a CPS Senior Reactor Operator (SRO) license and has at least five years of nuclear power experience to be a member of the ISEG. IP also proposes to include a restriction which would require at least four of the ISEG members to hold a bachelor's degree in engineering or related science. This restriction would limit the number of non-degreed SROs to no more than one of the five required ISEG members.

Basis for proposed no significant hazards consideration determination. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed change is administrative in nature as it only addresses the qualification requirements of ISEG members and does not alter any plant equipment, system configurations, or operation. As a result, the proposed change cannot increase the probability or the consequences of any accident previously evaluated.

2. The proposed change only addresses the qualification requirements of ISEG members. The proposed change does not alter any plant equipment, system configurations or analyses. As a result, this proposed change does not introduce any new failure modes. Therefore, the proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change only addresses the qualification requirements of ISEG members. The proposed alternate qualification requirement of currently or previously holding an SRO license for CPS and having at least five years experience in the nuclear field is consistent with the qualification requirements recommended in Section 4.7.2 of ANS 3.1-1981. Additionally, the proposed change will continue to require that at least four of the ISEG members hold a bachelor's degree in engineering or related science. As a result, the proposed change will enhance the quality, knowledge level, and insight of the CPS ISEG in the areas of plant operations without any discernible reduction in technical knowledge or skills. Therefore, the proposed change will not result in a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: John N. Hannon

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: October 22, 1991

Description of amendment request: In accordance with 10 CFR 50.90, Illinois Power Company (IP) proposes the following changes to the Clinton Power Station Specifications (TSs):

1. Technical Specification 3/4.8.3.1, 'Onsite Power Distribution Systems, Distribution-Operating'

a. Action Statement a.4 would be revised to address inoperability of the Reactor Protection System (RPS) solenoid buses (rather than only the inverters). A new Action a.4.a would be added to address continued operation with one RPS solenoid bus de-energized. The remaining subparts would be relettered to reflect the addition of the new Action a.4.a. Additionally, an option would be added to the current Action a.4.a (relettered Action a.4.b) to allow the solenoid bus to be de-energized when the associated inverter is inoperable, and commas and wording changes would be made to current Actions a.4.a and a.4.b (relettered as Actions a.4.b and a.4.c, respectively) to provide clarification.

b. Surveillance Requirement 4.8.3.1.2 would be modified to delete inoperability of an RPS bus power monitor as a condition which requires monitoring of the supply frequency.

c. Surveillance Requirement 4.8.3.1.3 would be deleted to remove a redundant TS.

d. Surveillance Requirement 4.8.3.1.4 would be modified to delete a redundant requirement to perform a CHANNEL CALIBRATION of the RPS bus power monitor.

2. Technical Specification 3/4.8.4.3, 'Reactor Protection System Electric Power Monitoring'

a. Surveillance Requirement 4.8.4.3.a would be revised to require the performance of a CHANNEL FUNCTIONAL TEST of the RPS bus power monitor each time the plant is in COLD SHUTDOWN for a period of more than 24 hours, unless performed in the previous 6 months, rather than at least once per 6 months as currently required.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed changes to the Action Statements of TS 3.8.3.1 address continued operation with one of the RPS solenoid buses de-energized. These proposed changes do not alter the limitations on continued operation with power being supplied by the alternate source. Since the associated RPS scram solenoids and MSIV [Main Steam Isolation Valve] solenoids are de-energized when the RPS solenoid bus is de-energized, operation with one RPS solenoid bus de-energized will not prevent a reactor scram or MSIV isolation when required. Additionally, continued operation with one RPS solenoid bus de-energized is currently allowed per Action a.4.b when both inverters are inoperable. The remaining changes to these Action Statements are editorial in nature and provide clarification without changing the technical requirements.

The proposed changes to the Surveillance Requirements of TS 3/4.8.3.1 address removal of unnecessary cross-references to TS 3/4.8.4.3 and removal of the requirement to verify the RPS solenoid bus supply frequency when the RPS power monitor is inoperable. Since TS 3/4.8.4.3 addresses the requirements for testing of the RPS power monitor, these proposed changes do not result in any change to the requirement to perform these tests. The requirement to verify RPS solenoid bus supply frequency every eight hours when the RPS power monitor is inoperable is unnecessary since TS 3.8.4.3 would require the RPS solenoid bus to be de-energized within 30 minutes.

The proposed change to Surveillance Requirement 4.8.4.3 is in conformance with GL 91-09 and reduces the possibility for inadvertent reactor scrams and challenges to safety systems during power operation by eliminating the requirement to perform functional testing of the EPAs during power operation. As provided in GL 91-09, the benefit to safety by reducing the potential for challenges to safety systems during power operation more than offsets the risk to safety from relaxing this surveillance requirement.

Based on the above, it is concluded that these proposed changes do not result in a significant increase in the probability or the consequences of any accident previously evaluated.

(2) The proposed changes do not involve any change to the plant design or operation from that currently allowed by the CPS TS. As a result, no new failure modes are introduced and plant operation continues to be limited to those conditions assumed in the safety analyses. Therefore, these proposed changes cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed changes to TS 3/4.8.3.1 do not alter the limitations on plant operation with an RPS solenoid bus powered by its alternate source. The proposed changes merely provide an allowance to de-energize the bus. Continued operation with one RPS solenoid bus de-energized is currently allowed when both inverters are inoperable and is acceptable because the associated RPS scram solenoids and MSIV solenoids would be de-energized and would allow actuation upon de-energization of the remaining solenoids. These proposed changes will continue to provide adequate assurance that the solenoids which receive power from the RPS solenoid buses will not be damaged by abnormal voltage or frequency conditions. The proposed changes to TS 3/4.8.4.3 reduce the possibility for inadvertent reactor scrams or challenges to safety systems caused by testing of EPAs during power operation. GL 91-09 concluded that the benefit to safety by reducing the potential for challenges to safety systems during power operation more than offsets the risk to safety from relaxing this requirement. Therefore, these proposed changes do not result in a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: John N. Hannon

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: March 21, 1990

Description of amendment request: The licensee proposes to revise Definition 1.25 "PHYSICS TEST", and Section 5.0 of the Trojan Technical Specification (TTS) to clarify references to the Final Safety Analysis Report.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license change involve a significant increase in the probability or consequences of an accident?

The FSAR is updated using the provision of 10 CFR 50.59. Clarifying the TTS to reflect the amended versus original FSAR is an administrative action that does not affect any current accident analysis and therefore has no effect on the probability or consequences of an accident.

2. Does the proposed license change create the possibility of a new or different kind of

accident from any accident previously analyzed?

The proposed change merely clarifies that the TTS reference the amended FSAR and not the original FSAR. This is an administrative action that does not create any new accident scenarios and therefore does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Does the license change involve a significant reduction in a margin of safety?

This is an administrative action that clarifies the TTS and as such does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: Theodore R. Quay

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: May 7, 1990

Description of amendment request: The licensee proposed to revise Trojan Technical Specification (TTS) 3.5.1 "Emergency Core Cooling System - Accumulators" to delete Surveillance Requirement 4.5.1.d. The added requirement contained within this specification to verify that the valves open when reactor coolant system pressure reaches 1925 psig, or upon receipt of a safety injection test signal is unnecessary. These valves are normally open with the power supply disconnected during power operation, and therefore, can not respond to such signals. This proposed amendment request is designated by the licensee as LCA 199.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license change involve a significant increase in the probability or consequences of an accident?

During a Loss-of-Coolant Accident (LOCA), the accumulators will force borated water into the reactor core should the RCS depressurize to approximately 600 psia. The proposed TTS change does not inhibit this accident mitigation function since these isolation valves are required to be open with power removed to prevent inadvertent closure. Therefore, there will be no increase in the probability or consequences on an accident due to the proposed change.

2. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously analyzed?

Power is removed from the accumulator isolation valves during all modes of operation, except during the brief intervals when the valves must be repositioned during shutdown or startup (i.e., the valves are required to be closed when depressurizing below 1000 psig and opened when pressurized above 1000 psig). Immediately following both of these operations, the breakers are reopened. Thus, the valves do not function automatically regardless of their position. Because the automatic function is not relied upon, deletion of this surveillance requirement can not introduce a new or different kind of accident.

3. Does the proposed license change involve a significant reduction in a margin of safety?

The proposed TTS change does not affect the accumulator volume, boron concentration or pressure and maintains the accumulator isolation valves open when the accumulators are needed for possible accident mitigation. Therefore, the accumulators will still perform their design function of injecting borated water into the core, if required, and the margin of safety has not been reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: Theodore R. Quay

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: May 7, 1990

Description of amendment request: The licensee proposes to revise the Trojan Technical Specification (TTS) 3.1.3.4, "Shutdown Rod Insertion Limit", Figure 3.1-1, "Rod Bank Insertion Limits Versus Thermal Power - Four Loop Operation" and Figure 3.1-2, "Rod Bank Insertion Limits Versus Thermal Power - Three Loop Operation" to define fully withdrawn rods as greater than 223 steps.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license change involve a significant increase in the probability or consequences of an accident?

Rod insertion limits are established to ensure that power distribution limits are met and the minimum shutdown margin is maintained. Since the proposed change does not change the insertion limit, it does not effect TTS 3/4.2, "Power Distribution Limits" or TTS 3.1.1.1, "Shutdown Margin". For the Cycle 12 Reload Report . . . the fully withdrawn position was calculated using the 224 steps position and shown to have a shutdown margin in excess of the required margin used in the accident analysis. [The Cycle 12 Reload Report] further concluded that using the 224 steps position or higher does not impact the accident analysis and as such the probability or consequences of an accident is not increased.

2. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously analyzed?

A new or different kind of accident is not created since as discussed above, the power distribution limits and shutdown margins continue to be maintained.

3. Does the proposed license change involve a significant reduction in a margin of safety?

There is negligible impact upon the power distribution and shutdown margin because of the low rod worth in the top region of the core. There is sufficient shutdown margin to accommodate the all rod out position (ARO) to 224 steps for Cycle 12. [The Cycle 12 Reload Report] calculates a reactivity penalty of .07 percent [delta rho] for the proposed change. Since the available shutdown margin was 2.06 and 1.99 for Cycles 11 and 12 respectively versus the required margin of 1.60, the .07 penalty can be easily accommodated. Likewise sufficient peaking factors and Departure from Nucleate Boiling Ratio (DNBR) margins are available to accommodate the negligible effect on power distribution. Therefore, the proposed change does not significantly reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W.

Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: Theodore R. Quay

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: June 28, 1991

Description of amendment request: The licensee proposes to revise the Trojan Technical Specifications (TTS) for the Reactor Coolant System (RCS) safety and relief valves, Overpressure Protection System, Emergency Core Cooling Subsystems (T_{avg} less than 350° F) and other associated Technical Specifications and Bases to incorporate the changes committed to in Portland General Electric Company's response to Generic Letter 90–06, "Resolution of Generic Issue 70, 'Power-Operated Relief Valve and Block Valve Reliability', and Generic Issue 94, 'Additional Low-Temperature Overpressure Protection for Light-Water Reactors', pursuant to 10 CFR 50.54(f)". This amendment request was designated by the licensee as LCA 211. Specifically, the licensee proposes to modify TS 3/4.4.3.2, "Safety and Relief Valves - Operating;" TS 3/4.4.9.3, "Overpressure Protection Systems;" TS 3/4.5.3.2 "ECCS Subsystems - T_{avg} less than 350° F;" TS 3/4.1.2.1, "Boration System Flow Path - Shutdown;" TS 3/4.1.2.3; "Charging Pump - Shutdown;" TS 6.9.2, "Special Reports;" and associated Bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

a. Does the proposed license change involve a significant increase in the probability or consequence of an accident previously evaluated?

The PORVs [Power Operated Relief Valves] are provided to prevent or mitigate overpressure transients in the RCS [Reactor Coolant System]. During operation, the PORVs prevent actuating the high pressure reactor trip for design transients and prevent undesirable opening of the safety valves. In addition, the PORVs are used during low temperature solid water conditions to prevent possible violations of 10 CFR [Code of Federal Regulations] 50, Appendix G reactor vessel temperature/pressure limits. The changes made in the PORV Technical Specifications serve to increase the availability of the PORVs and block valves by shortening the allowed outage time when the valves become inoperable. Also, in the case where the PORV is inoperable due to seat leakage, the block valves are closed but power is maintained to the valves so they can be manually opened to provide pressure relief capability. This change also improves the availability of the PORVs. The new requirement to test the PORVs in Modes 3 or 4 ensures the PORVs are operable prior to establishing conditions where the PORVs are required for low-temperature overpressure protection as well as to simulate temperature environmental effects on the valves.

In several instances, the action requirements for inoperable PORVs or block valves were changed to require the Plant to be placed in HOT SHUTDOWN rather than COLD SHUTDOWN as previously required. This change was made because the APPLICABILITY requirements of the specification do not extend past the HOT STANDBY mode.

Since these changes serve to increase the availability of overpressure protection equipment, they do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The change to allow greater flexibility as to which pumps can remain OPERABLE during low temperature conditions has been analyzed to show that overpressure conditions will not occur with those pump conditions; therefore, the probability or consequences of an overpressure accident will not be increased.

b. Do the proposed license changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Since the proposed changes serve to increase the availability of accident mitigation/prevention equipment, there is no possibility of a new or different kind of accident occurring. No physical changes are being made to the Plant that would create the possibility of a new or different kind of accident from any accident previously evaluated.

c. Do the proposed license changes involve a significant reduction in a margin of safety?

Since the proposed changes serve to increase the availability of accident mitigation/prevention equipment, the margin of safety for an overpressure accident is not reduced. The change to allow greater flexibility as to which pumps can remain OPERABLE during low temperature conditions has been analyzed to show that overpressure conditions will not occur with the given pump configurations; therefore, the margin of safety will not be reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: Theodore R. Quay

Portland General Electric Company et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: November 30, 1989, superseded by June 28, 1991 submittal.

Description of amendment request: The licensee proposes to modify the Trojan Technical Specification (TTS) by changing TTS Section 3.0 and 4.0 and associated Bases to reflect the general guidance provided in Generic Letter 87-09, "Section 3.0 and 4.0 of the Standard Technical Specification (STS) on the Applicability of Limiting Conditions for Operation and Surveillance Requirements," dated June 4, 1987. This is a Technical Specification line item improvement.

Additionally, the licensee requests modification of TTS 3.1.3.1, "Moveable Control Assemblies - Group Height" to lower the zero power ejected rod worth from less than or equal to .98 percent delta K to less than or equal to .90 percent delta K to match the value in the Updated Final Safety Analysis Report. Finally, the licensee requests that TTS 3.1.3.3 "Rod Drop Time" be modified to reflect current operating practice. These changes are administrative in nature. These requests for amendments were designated by the licensee as LCA 186, revision 1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. The change to replace TTS 4.0.3 with the 4.0.3 specification provided in GL 87-09:

a. Does the proposed license change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change to TTS 4.0.3 does not change any surveillance requirements or the frequency in which they are performed. The change is administrative in that upon discovery of a missed surveillance, up to 24 hours will be allowed to perform the surveillance. The 24 hours is based on an NRC determination in GL 87-09 that this is an acceptable time limit for completing a missed surveillance when the allowable outage times of the ACTION are less than 24 hours.

If a Plant shutdown is required before a missed surveillance is completed, it is likely that the surveillance would be conducted while the Plant was being shut down because completion of the missed surveillance would

terminate the shutdown requirement. This is undesirable since it increases the risk to Plant and public safety for two reasons. First, the Plant would be in a transient state involving changing Plant conditions that offer the potential for an upset that could lead to a demand for the system or component being tested. This would occur when the system or component is either out-of-service to allow performance of the surveillance test or there is a lower level of confidence in its operability because the normal surveillance interval was exceeded. If the surveillance did demonstrate that the system or component was inoperable, it usually would be preferable to restore it to operable status before making a major change in Plant operating conditions. Second, a shutdown would increase the pressure on the Plant staff to expeditiously complete the required surveillance so that the Plant could be returned to power operation. This would further increase the potential for a plant upset when both the shutdown and surveillance activities place a demand on the Plant operators.

In summary, accident probabilities or consequences will not be increased by this proposed license change.

b. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change is not related to accident creation because the TTS surveillance requirements remain unchanged in that neither what is to be performed, nor the frequency at which it is performed, is modified.

c. Does the proposed license change involve a significant reduction in a margin of safety?

The proposed change to TTS 4.0.3 conforms with the change recommended in GL 87-09 except for the revision to the Bases for Specification 4.0.3 as described above. This change does not relax any surveillance requirement or change the frequency at which surveillances are performed. The change merely allows for missed surveillances to be performed without resulting in a Plant shutdown. It is overly conservative to assume that systems or components are inoperable when a surveillance requirement has not been performed. The opposite is in fact the case. The vast majority of surveillances demonstrate that systems or components in fact are operable. When a surveillance is missed, it is primarily a question of operability that has not been verified by the performance of the required surveillance.

Because the allowable outage time limits of some ACTIONS do not provide an appropriate time limit for performing a missed surveillance before shutdown requirements may apply, the TTS should include a time limit that would allow a delay of the required actions to permit the performance of the missed surveillance. The 24-hour time limit balances the risks associated with an allowance for completing the surveillance within this period against the risks associated with the potential for a Plant upset and challenge to safety systems when the alternative is a shutdown to comply with ACTIONS before the surveillance can be completed. Consequently, margins of safety are not reduced.

2. The change to revise TTS 4.0.4 to include the provisions of GL 87-09:

a. Does the proposed license change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change to TTS 4.0.4 does not change any surveillance requirements or the frequency in which they are performed. This change is administrative in that it merely clarifies that passage through or to an operational mode is allowed to comply with the ACTION of an LCO. Accident probabilities or consequences are not increased.

b. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change is not related to accident creation because the TTS surveillance requirements remain unchanged in that neither what is to be performed, nor the frequency at which it is performed, is modified.

c. Does the proposed license change involve a significant reduction in a margin of safety?

As previously stated, the proposed change to TTS 4.0.4 conforms with the change recommended in GL 87-09. This change does not relax any surveillance requirement or change the frequency at which surveillances are performed. This change merely clarifies that passage through or to an operational mode is allowed to comply with the ACTION of an LCO.

3. The proposed changes to modify individual TTSs to include references to TTS 3.0.4 as not being applicable:

a. Does the proposed license change involve a significant increase in the probability or consequences of an accident previously evaluated?

GL 87-09, in the proposed bases for TTS 3.0.4, states "Compliance with ACTION requirements that permit continued operation of the facility for an unlimited period of time provides an acceptable level of safety for continued operation without regard to the status of the Plant before or after a mode change. Therefore, in this case, entry into an OPERATIONAL MODE or other specified condition may be made in accordance with the provisions of the ACTION requirements."

The individual TTSs for which revisions are proposed to add references to TTS 3.0.4 as being not applicable meet the above criteria, i.e., they contain actions that allow continued operation for an unlimited period of time. Consequently, entry into these ACTIONS provides an acceptable level of safety for continued operation, and do not result in a significant increase in the probability or consequences of an accident.

[The submittal] contains summary discussions of the proposed individual TTS revisions, affirming that the remedial measures prescribed for the affected ACTION statements are consistent with the updated Safety Analysis Report and its supporting safety analysis.

b. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously evaluated?

These changes result in the ability to change modes while in an ACTION that allows continued, indefinite operation. Consequently, no new equipment configurations or accident scenarios are introduced.

c. Does the proposed license change involve a significant reduction in a margin of safety?

Since the ACTIONS themselves associated with this set of specific TTSs already exist and are considered to provide adequate levels of safety, entry into these actions should not cause a reduction in a margin of safety.

4. The proposed change to TTS 3.1.3.1, Group Height, to reflect the zero power ejected rod worth value of [less than or equal to] 0.90 percent rather than [less than or equal to] 0.98 percent:

a. Does the proposed license change involve a significant increase in the probability or consequences of an accident previously evaluated?

This change will achieve consistency between the TTS and the FSAR Accident Analyses. FSAR Table 15.4-3 lists the parameters used in the analysis of the RCCA [Rod Control Cluster Assemblies] ejection accident. Included is a value of 0.90 percent [delta] K for the zero power, end of cycle, ejected rod worth. This ejected rod worth value resulted from FSAR Amendment 11, which was generated to update the FSAR to reflect the Trojan Nuclear Plant fuel upgrade. The resultant change in reactor characteristics represented by a calculated maximum ejected rod worth of 0.90 percent rather than the previous value of 0.98 percent is a change in the positive safety direction. Consequently, this change will not increase the probability or consequences of an accident.

b. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously evaluated?

The value of the ejected rod worth of 0.90 percent is the value used in the Accident Analyses represented in the FSAR. Consequently, no new different accident scenarios are introduced.

c. Does the proposed license change involve a significant reduction in a margin of safety?

No. The margin of safety involved in a rod ejection accident is enhanced by the lowering of the ejected rod worth.

5. The proposed change to TTS 3.1.3.3, Rod Drop Time, to delete the footnote and Action b.:

a. Does the proposed license change involve a significant increase in the probability or consequences of an accident previously evaluated?

The deletion of the footnote is an administrative change only. This footnote only had applicability until April 11, 1980.

The deletion of Action b. does not adversely affect the probability or consequences of an accident. Given other TTS restraints, rod drop times are not

determined with three coolant pumps operating.

b. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. Deletion of the footnote is administrative. Deletion of the Action b. assures that rod drop time will be determined with four reactor coolant pumps operating, which is the preferred and safer situation.

c. Does the proposed license change involve significant reduction in a margin of safety?

No. Deletion of the footnote is administrative. Deletion of Action b. assures that rod drop times will be determined with four reactor coolant pumps operating. This is more accurate and results in better defined safety margins.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: Theodore R. Quay

Portland General Electric Company et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: January 25, 1990, superseded by July 15, 1991

Description of amendment request: The licensee requests to revise the Trojan Technical Specifications (TTS) to reflect the guidance promulgated in Generic Letter 91-08, "Removal of Component Lists from Technical Specifications," dated May 6, 1991. Specifically, the licensee requests to delete TTS Table 3.6-1, "Containment Isolation Valves," in accordance with the generic letter. Other associated specifications and associated Bases will be modified to reflect the changes. This is a technical specification line item improvement.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license change involve a significant increase in the probability or consequences of an accident previously evaluated?

The removal of Table 3.6-1 from TTS [Trojan Technical Specifications] and replacing it with a reference to Plant procedures and FSAR [Final Safety Analysis Report] Table 6.2-1 in the Bases section does not reduce the effectiveness of the TTS. In addition, there are no proposed changes to the LCOs [Limiting Conditions for Operations] and Surveillance Requirements other than discussed below; consequently, no changes in operability of the isolation valves will occur. Accordingly, there will be no effect on previously analyzed accidents. Making Specification 3.0.4 not applicable to TTS 3.6.3.1 allows Plant start-up with isolation valves closed and de-energized or the penetration isolated with a closed manual valve or a blind flange. This provides at least the same level of assurance (as that provided during operation) that the affected penetrations will be isolated when required. Since the ability to isolate the Containment is not adversely affected, there can be no adverse impact on the consequences or probability of any accident.

The clarification that TTS 3.6.3.1 Actions b. and c. will not apply to those isolation valves required for post-accident operation is more restrictive than the present TTS and will thus enhance safety. Again, there will be no adverse impact on the consequences or probability of any accident.

We have retained in the TTS the requirements for keeping the opening of certain valves under administrative control and for making others inoperable. These valves and their requirements remain the same as the current TTS. Thus, as the location of the requirement within the TTS has changed, the requirement itself has not; therefore, there is no impact upon any accident analysis.

Modification of TTS 4.6.3.1.1 was done for clarification in recognition that some Containment isolation valves require isolation times, but others do not. Thus, there will be no effect on previously analyzed accidents.

2. Does the proposed license change create the possibility of a new or different kind of accident from any accident previously evaluated?

Because deletion of Table 3.6-1 does not change the way the Plant is operated, the potential for an unanalyzed accident is not created.

The exemption added to TTS 3.6.3.1 will not affect the Plant response in any way, and no new failure modes are introduced which could create a new accident. The exemption applies to valves which have no safety function other than Containment isolation and that safety function can be met by meeting the conditions of TTS 3.6.3.1 Actions b. or c.

The retention of administrative control over specific valves cannot create a new accident since the requirements remain the same.

Clarification of TTS 4.6.3.1.1 and 3.6.3.1 does not create a new accident since the change will enhance interpretations of the TTS.

3. Does the proposed license change involve a significant reduction in a margin of safety?

Since the deletion of Table 3.6-1 does not affect the consequences of any accident previously analyzed, there is not a reduction in the margin of safety.

The proposed change to TTS 3.6.3.1 will apply when the inoperable Containment isolation valve(s) are isolated by use of at least one deactivated automatic valve secured in the closed position or by use of a closed manual valve or blind flange. Because the penetration is isolated, the proposed change does not have any adverse impact on the Containment boundary. The proposed change to TTS 3.6.3.1 Actions b. and c. applies to valves which are required to be open for post-accident operation. Accordingly, there will be no impact on safety margin.

Keeping the same administrative controls over specific valves does not affect the safety margins since the requirements remain the same.

The enhancement of TTS 4.6.3.1.1 and 3.6.3.1 provides needed clarification and thus, cannot reduce the safety margin.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRR Project Director: Theodore R. Quay

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: October 17, 1991

Description of amendment request: The licensee requests to revise Trojan Technical Specification (TTS) 3/4.7.1 "Turbine Cycle - Safety Valves" and associated Bases. This revision would clarify the actions required with inoperable safety valves and the surveillance testing requirements. Additionally, it would remove the provision for three loop operation. This amendment request was designated by the licensee as LCA 214.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

a. Revision of the LCO to include reference to Table 4.7-1 for safety valve required lift settings.

(1) Do the proposed license changes involve a significant increase in the probability or consequences of an accident previously evaluated?

This change is for clarification and is administrative. It does not modify the actual safety valve required lift settings. Consequently, no accident probabilities or consequences are affected.

(2) Do the proposed license changes create the possibility of a new or different kind of accident from any accident previously evaluated?

This change is for clarification and is administrative. It does not modify the actual safety valve required lift settings. Consequently, no new or different kinds of accidents from any accident previously evaluated are created.

(3) Do the proposed license changes involve a significant reduction in a margin of safety?

This change is administrative and does not involve a significant reduction in a margin of safety.

b. Revision of ACTION a to clarify ACTION requirements: (1) Do the proposed license changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed revision removes an anomaly from the ACTION statement. The existing statement has the result that continued operation in Mode 3 with inoperable safety valves is allowed if the Power Range Neutron Flux High Setpoint is reduced per Table 3.7-1. The Reactor Protection System (RPS) Specification 3.3.1 (Table 3.3-1) does not require the Power Range Neutron Flux System to be OPERABLE in MODE 3. The Source Range Neutron Flux System is required to be OPERABLE when the reactor trip system breakers are in the closed position and the control rod drive system is capable of rod withdrawal. The Source Range Neutron Flux Trip function provides protection against positive reactivity insertion transients originating in MODE 3, 4, and 5. Reduction of the Power Range Neutron Flux High Setpoint is logical when at power to assure that power remains reduced proportionately to the loss of relieving capacity due to inoperable main steam line code safety valves. The revised ACTION a clarifies that the Power Range Neutron Flux High Setpoint reduction is not applicable when in MODE 3. Based on the above, the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision also changes the required MODE when more than 3 main steam line code safety valves are inoperable on any steam generator. The existing ACTION requires going to MODE 5, COLD SHUTDOWN, whereas the revised ACTION would require going to MODE 4, HOT SHUTDOWN. Since the Limiting Condition for Operation (LCO) of this Specification is applicable to MODES 1, 2, and 3, MODE 4 is sufficient to place the plant in a mode where the specification is no longer applicable.

Additionally, main steam line code safety valve operability is not required in MODES 4 and 5 since it is improbable that an overpressure condition could be achieved due to the reduced nominal operating pressure and temperature and the lack of significant thermal power. Consequently, the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Do the proposed license changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The changes do not introduce any new configurations or conditions other than allowing indefinite operation in MODE 3 without the Power Range Neutron Flux High Setpoint being OPERABLE and reduced, and allowing MODE 4 rather than MODE 5 as the MODE of residence with more than 3 main steam line code safety valves inoperable on any steam generator. The Power Range Neutron Flux trip functions are not required by TTS 3.3.1. The Source Range Neutron Flux trip function provides protection against positive reactivity insertion transients originating from MODES 3, 4, or 5. In addition to providing protection from positive reactivity insertion transients originating from power conditions, the Power Range Neutron Flux High Setpoint, when adjusted per Table 3.7-1, provides assurance that reduced thermal power will be maintained proportionately to the reduced relieving capacity due to one or more inoperable main steam line code safety valves. However, this function is not needed in MODE 3, which is a zero power MODE.

Allowing continued operation in MODE 4 rather than MODE 5 without operability of main steam line code safety valves is proposed since operability is not required in MODE 4. Power transients from this shutdown MODE are non-consequential, and the low temperature/pressure nominal values in this MODE are not sufficient to achieve overpressure conditions.

Based on the above, no new or different kinds of accidents from any accident previously evaluated are created.

(3) Do the proposed license changes involve a significant reduction in a margin of safety?

The changes do not involve creating new or non-conservative initial conditions contributing to accident severity or consequences, consequently there are no significant reductions in a margin of safety.

c. Deletion of ACTION b; f. Deletion of Table 3.7-2; and g. BASES revision:

(1) Do the proposed license changes involve a significant increase in the probability or consequences of an accident previously evaluated?

AND

(2) Do the proposed license changes create the possibility of a new or different kind of accident from any accident previously evaluated?

AND

(3) Do the proposed license changes involve a significant reduction in a margin of safety?

The deletion of ACTION b, the deletion of Table 3.7-2, and the BASES revision apply to 3-loop operation, and are administrative changes in that Trojan is effectively not licensed for 3-loop operation, consequently the 3-loop applicable TTSs are not needed. TTS 3.4.1.2 requires that all four reactor coolant loops be in operation in MODE 3 with any Control Rod Drive Mechanism (CRDM) energized. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident from any accident previously evaluated and does not involve a significant reduction in a margin of safety.

d. Renumbering of old ACTION c to become ACTION b:

This is purely an editorial change involving no significant hazards.

e. Revised wording for Surveillance Requirements 4.7.1.1:

(1) Do the proposed license changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not result in a change to the actual surveillance testing of the main steam line code safety valves. The change will make the wording consistent with the standard Technical Specification for Westinghouse Pressurized Water Reactors (NUREG-0452, Rev. 4). The changes will also clarify that surveillance testing for OPERABILITY verification need not include orifice size determinations each time. Consequently, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Do the proposed license changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not modify components, configuration, nor operating procedures of the Plant. Consequently, no new or different kinds of accidents from any accident previously evaluated are created.

(3) Do the proposed license changes involve a significant reduction in a margin of safety?

The proposed change does not modify component, configuration, nor operation of the Plant. No accident initial conditions nor evolutions are affected. The actual surveillance testing of the main steam line code safety valves will remain in compliance with TTS 4.0.5 requirements. Consequently, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Attorney for licensees: Leonard A. Girard, Esq., Portland General Electric

Company, 121 S.W. Salmon Street, Portland, Oregon 97204

NRC Project Director: Theodore R. Quay

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego, New York

Date of amendment request: November 15, 1991

Description of amendment request: This proposed amendment to the James A. FitzPatrick Technical Specifications revises the schedule for visual inspection of snubbers. Specifically, the proposed schedule is based on the number of unacceptable snubbers found during the previous inspection in proportion to the size of the various snubber categories and increases the maximum inspection interval to forty-eight months. This proposed inspection schedule is consistent with the guidance provided in NRC Generic Letter 90-09.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes involve no hardware changes, no changes to the operation of the snubbers, and do not change the ability of the snubbers to perform their intended functions. An increase in visual inspection frequency will not affect the confidence level in operability developed from functional testing.

2. create the possibility of a new or different kind of accident from those previously evaluated.

The proposed changes involve no hardware changes, no changes to the operation of the snubbers, and do not change the ability of the snubbers to perform their intended functions. The new visual inspection interval does not change the level of confidence in snubber operability developed from functional testing and therefore no unreviewed failure mechanism can result.

3. involve a significant reduction in the margin of safety.

The proposed changes involve no hardware changes, no changes to the operation of the snubbers, and do not change the ability of the snubbers to perform their intended functions. The proposed amendment incorporates the alternate Technical Specification requirements for visual inspection of snubbers identified in Generic Letter 90-09. The alternate visual inspection criteria consider the size of the category of snubbers when evaluating inspection intervals due to failure rates. They do not reduce the confidence level in snubber operability. The functional testing requirements remain unchanged and do not reduce operability confidence levels.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: November 15, 1991

Description of amendment request: The licensee requests an amendment to the Technical Specifications to revise Section 4.11 (Shock Suppressors (Snubbers)). This section would be revised to provide a schedule for visual inspection of snubbers that reflects the guidance provided in Generic Letter 90-09, "Alternate Requirements for Snubber Visual Inspection Intervals and Corrective Actions." The proposed amendment also corrects typographical errors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the requirements of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

Operation of Indian Point 3 in accordance with the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change does not result in any physical change to the plant which could cause an increase in the probability or consequences of any previously evaluated accident.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

Operation of Indian Point 3 in accordance with the proposed license amendment does not create the probability of a new or different kind of accident from any accident previously evaluated. The proposed amendment does not alter any plant operations, maintenance requirements, system design or functions other than the snubber visual inspection interval. The NRC staff has determined that the alternate visual inspection interval maintains the same confidence level in snubber operability. The Authority agrees with this determination. Therefore, no possibility of creating a new or different type of accident would result from the proposed amendment.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

Operation of Indian Point 3 in accordance with the proposed license amendment does not involve a significant reduction in a margin of safety. As stated above, the proposed amendment incorporates the alternate Technical Specification requirements for visual inspection of snubbers. These requirements were evaluated by the NRC staff in Generic Letter 90-09. The NRC staff has determined that the alternate visual inspection interval maintains the same confidence level in snubber operability as the current requirements. The Authority agrees with this determination. Therefore, the proposed license amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: November 29, 1991

Description of amendment request: The licensee proposes to revise Technical Specification (TS) 4.6.1.2.a to allow a one-time interval of 53 months for the Type A Containment Integrated Leak Rate Test (ILRT). The present TS require a 40 ±10 month interval. Additionally, the licensee is requesting

to delete the note pertaining to TS 4.6.1.2.d. This note allowed a one-time extension of the Type C test interval, for specific valves, to the first refueling outage. This note is no longer applicable and will not be applicable in the future.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

PSE&G has, pursuant to 10 CFR 50.92, reviewed the proposed amendment to determine whether our request involves a significant hazards consideration. We have determined that operation of the Hope Creek Generating Station in accordance with the proposed changes:

1. Will not involve a significant increase in the probability or consequences of an accident previously evaluated. Although the proposed change extends the 40 ± 10 month test interval by 3 months, [the] first Type A test was completed successfully. Since then, there has not been any modifications made to the plant which could adversely effect the test results.

Type B and C tests have been completed satisfactorily during each of the three previous Hope Creek outages and is scheduled to be performed during the upcoming fourth refuel[ing] outage. Demonstrated operability of the associated components and penetrations provides additional assurance that the integrated containment leak rate remains satisfactory.

2. Will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not adversely effect the design or operation of any system or component important to safety. No physical plant modifications or new operational configurations will result from this change.

3. Will not involve a significant reduction in a margin of safety. The first Type A test was completed satisfactorily. Type B and C tests have been completed satisfactorily and will be performed during the fourth refuel outage. No plant modifications have been made which could adversely effect Type A test results.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Attorney for licensee: M. J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005-3502

NRC Project Director: Charles L. Miller

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: August 10, 1988 as supplemented May 18, 1989, March 22, September 18, and November 21, 1991 (TS 88-03 and 91-13). The staff's proposed no significant hazards consideration determination for the requested changes was previously published on September 7, 1988 (53 FR 34612).

Description of amendment request: The proposed amendment would revise various Technical Specifications (TS) related to the reactor coolant system power operated relief valves (PORVs) and their associated block valves. Also, the proposed amendment would add new requirements to address the low temperature overpressure protection (LTOP) requirements related to the PORVs, operability of the centrifugal charging pumps, reactor coolant pump startup, updating of LTOP setpoints, and cyclic limits to prevent excessive overpressure affects while the plant is in the low-temperature, water-solid condition. The proposed changes are designed to incorporate the guidance given in Generic Letter (GL) 90-06, "Resolution of Generic Issue 70, 'Power-Operated Relief Valves and Block Valve Reliability,' and Generic Issue 94, 'Additional Low-Temperature Overpressure Protection for Light-Water Reactors,' Pursuant to 10 CFR 50.54f." The proposed TS changes would result in the following: (1) addition of specific operability and surveillance requirements to provide low temperature overpressure protection (LTOP); (2) clarification of the operability requirements for the charging pumps when the plant is shut down; (3) changing the boration system requirements to conform with the administrative controls that support the LTOP requirements; (4) addition of new requirements to minimize the potential for heat input overpressure transients caused by the restart of a reactor coolant pump in Mode 4; (5) addition of LTOP considerations to the reactor vessel specimen surveillance program; (6) addition of cyclic limits for low-temperature, water-solid overpressure events; (7) deletion of an outdated footnote on page 3/4 1-10 of Unit 2 TS that expired in 1984; (8) replacing Figure 3.4-4 with an updated figure that is applicable to 16 Effective Full Power Years (EFPYs); (9) changes to the Power Operated Relief Valve (PORV) Specification 3.4.3.2 that would allow termination of a forced shutdown when the plant is in the hot shutdown condition rather than the cold shutdown condition; (10) changes to the shutdown time requirements for placing the plant into the hot shutdown condition for various PORV inoperable conditions from 30 hours to 6 hours; (11) specifying that PORV testing be performed while in Mode 4; and (12) modifications to the respective Bases sections and certain administrative-in-nature changes to reflect these proposed changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated

The low-temperature overpressure events had been previously evaluated in the Final Safety Analysis Report (FSAR). The addition of operability and surveillance requirements for the LTOP system is administrative in nature because it incorporates existing requirements into the technical specifications. Conforming changes to Technical Specifications 3.1.2.1, 3.1.2.2, 3.1.2.3, 3.1.2.4, 3.4.1.3, 3.4.9.1, and 5.7 are necessary to fully integrate the LTOP system requirements. The addition of a special test condition for surveillance requirement 4.4.11.1(a) ensures that instrumentation common to both the Reactor Vessel Level Indication System (RVLIS) and LTOP system remains in service as required. The deletion of an outdated footnote to unit 2 Specification 3.5.2 is purely editorial in nature.

Following the replacement of SQN's Foxboro Company protection system with the Westinghouse Electric Corporation Eagle 21 system, SQN's LTOP setpoint analyses were revised to include the added process instrument delay time (i.e., 250 milliseconds). SQN's revised LTOP setpoint analyses also now include the effect of SQN's new reactor pressure-temperature (P-T) limits that were based on Revision 2 of NRC Regulatory Guide (RG) 1.99, "Radiation Embrittlement of Reactor Vessel Materials." As a result of these changes to SQN's LTOP setpoint analyses, TVA is submitting revised LTOP setpoints that will supersede the setpoints previously provided in TVA's August 10, 1988 letter.

The proposed change does not introduce new operating practices or

require further plant hardware modifications. SQN's LTOP setpoints will continue to provide protection against LTOP events previously evaluated in SQN's Final Safety Analysis Report (FSAR).

From an accident and transient mitigation standpoint, SQN's power-operated relief valves (PORVs) can be utilized to perform several safety-related functions. These include mitigation of a steam generator (SG) tube rupture accident and low-temperature overpressure protection of the reactor vessel. In addition, the PORVs can be an accident initiator in the case where a failed-open PORV results in a small break loss of coolant accident.

Under normal operating conditions, SQN's PORVS are designed to limit pressurizer pressure and prevent the undesirable opening of the pressurizer safety valves. The PORVs are also used for automatic and manual pressure control. The Final Safety Analysis Report analysis for overpressure protection in Modes 1, 2, and 3 assumes that the PORVs do not actuate. The pressurizer safety valves provide the required pressure relief.

TVA's proposed change adds surveillance testing of the PORVs in Mode 4. The intent of requiring PORVS to be tested during Mode 4 is to demonstrate operability of the PORVs between power operational modes (Modes 1 and 2) and Mode 5, when the plant is most vulnerable to a low-temperature overpressure transient. The proposed change remains consistent with the guidance provided in GL 90-06 and continues to provide operability assurance that SQN's PORVs will perform their safety-related functions.

TVA's proposed change to the ACTION statements for terminating a forced-shutdown at HOT SHUTDOWN rather than COLD SHUTDOWN provides consistency between the applicability requirements of the limiting condition of operation (LCO) and the forced-shutdown requirements. This change is considered to be an improvement for maintaining consistent LCO applicability and shutdown requirements within TSs. Accordingly, the proposed changes do not significantly increase the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any previously analyzed

The low-temperature overpressure events had been previously evaluated in the FSAR. The addition of operability and surveillance requirements for the LTOP system and conforming changes to other technical specifications is administrative in nature. The deletion of an outdated footnote to Unit 2 Specification 3.5.2 is purely editorial in nature. The addition of a special test condition for Surveillance Requirement 4.4.11.1.(a) ensures that instrumentation common to both the RVLIS and LTOP systems remains in service as required.

TVA is submitting new LTOP setpoints that reflect SQN's current LTOP setpoint analyses. The new LTOP setpoints resulted from SQN's new reactor P-T limits and SQN's Eagle 21 upgrade. The new LTOP setpoints supersede SQN's setpoints that were previously provided in TVA's August 10, 1988 letter. The new LTOP setpoints have been determined for SQN and remain bounding for SQN's new P-T limit.

The proposed change does not introduce new operating practices or require further plant hardware modifications. SQN's LTOP setpoints continue to provide protection against LTOP events previously evaluated in SQN's FSAR.

The change to the surveillance requirement for testing PORVs in Mode 4 does not require any hardware changes. Existing surveillance instructions at SQN allow for testing PORVs while in Mode 4. The changes associated with the ACTION statements follow the guidance of GL 90-06 for providing consistency between forced-shutdown requirements and LCO applicability requirements. Thus, the possibility of a new or different kind of accident is not created.

(3) Involve a significant reduction in a margin of safety

The addition of operability and surveillance requirements for the LTOP system will increase the margin of safety by affording a higher level of administrative controls over LTOP system operability. The conforming changes to Technical Specifications 3.4.1.3, 3.4.9.1, and 5.7 will increase the margin of safety by also affording a higher level of administrative controls over related LTOP requirements. The changes to Technical Specifications 3.1.2.1, 3.1.2.2, 3.1.2.3, and 3.1.2.4 involve a reduction in the redundancy requirements for boration capability in Mode 4. However, this reduction is necessary to incorporate requirements that minimize the potential for and severity of mass input, low-temperature overpressure events by limiting the number of centrifugal charging pumps that can automatically inject into the RCS. The addition of a special test condition for Surveillance Requirement 4.4.11.1(a) ensures that instrumentation common to both the RVLIS and LTOP systems remains in service as required. NRC has acknowledged the greater importance of LTOP system requirements which resulted in generation of Generic Letter 90-06. TVA is adopting the Generic Letter and related requirements in the proposed amendment. The deletion of an outdated footnote is administrative in nature.

The proposed change does not introduce new operating practices or require further plant hardware modifications. SQN's LTOP setpoints continue to provide protection against LTOP events previously evaluated in SQN's FSAR. Consequently, the LTOP setpoint change would not involve a reduction in the margin of safety.

The intended design and operation of SQN's PORVs have not been changed. The safety-related functions of the PORVS (i.e., mitigation of a SG tube rupture and low-temperature overpressure protection) remain unchanged. Testing the PORVs in Mode 4 provides additional assurance of valve operability for performing safety-related functions. The additional changes associated with Specification 3.4.3.2 ACTION statements a, b, and c, provide a TS improvement by establishing consistency between the LCO applicability requirements and the forced-shutdown requirements. Accordingly, the margin of safety has not been changed.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon

TU Electric Company, Docket No. 50-445, Comanche Peak Steam Electric Station, Unit 1, Somervell County, Texas

Date of amendment request: April 22, 1991, as supplemented by letter dated November 4, 1991.

Description of amendment request: This was previously published in the **Federal Register** on July 10, 1991 (56 FR 31444). The April 22, 1991, amendment request proposed to change Comanche Peak Steam Electric Station (CPSES) Unit 1 Technical Specifications Paragraphs 6.2.3.1 and 6.2.3.4 concerning the reporting responsibilities for the CPSES Independent Safety Engineering

Group (ISEG). Specifically, this change would replace the organizational position and function of the Vice President, Nuclear Engineering with the organizational position and function of the Executive Vice President, Nuclear Engineering and Operations. By letter dated November 4, 1991, TU Electric submitted a supplement to the April 22, 1991, amendment request. The supplement proposed to change the title of the Executive Vice President, Nuclear Engineering and Operations to Group Vice President, Nuclear Engineering and Operations. This requires that Technical Specification Sections 6.2 and 6.5 be changed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Involve a significant increase in the probability or consequences of any accident previously evaluated?

The proposed change involves administrative changes at the executive level and does not impact nor affect accident analysis assumptions. Therefore, these assumptions are preserved and there is no change in the probability or consequences of any previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated?

This change is administrative only. No change is made to the plant or plant operating procedures that would create a new or different kind of accident.

3. Involve a significant reduction in the margin of safety?

As an administrative change, the proposed change does not impact nor affect any accidents or failure points and, therefore, does not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019

Attorney for licensee: George L. Edgar, Esq., Newman and Holtzinger, 1615 L Street, N.W., Suite 1000, Washington, D.C. 20036

NRC Project Director: Suzanne C. Black

Virginia Electric and Power Company, Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of amendment request: November 7, 1991

Description of amendment request: The proposed changes would revise the Technical Specifications for the North Anna Power Station, Unit No. 1 (NA-1). Specifically, the proposed changes would revise the current NA-1 TS to ensure that the correct measurement range of the triaxial response spectrum recorders is reflected in the appropriate NA-1 TS table. The changes are being made to reflect the range of the instrumentation originally installed in the plant and excepted from Regulatory Guide 1.12, Revision 1, dated April 1974, as noted in Section 3A.12 of the Updated Final Safety Analysis Report (UFSAR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. There is not a significant increase in the probability of occurrence or consequences of any accident or malfunction of equipment which is important to safety and which has been evaluated in the UFSAR. No modifications have been made to the installed instrumentation. The proposed amendment is submitted to reflect the range of the installed equipment as noted in Section 3A.12 of the UFSAR. The availability and reliability of the four triaxial response spectrum recorders will remain the same. Therefore, the proposed changes will not increase the probability or consequences of an accident previously evaluated. Likewise, the consequences of the accidents will not increase as a result of the proposed Technical Specification changes.

2. The changes do not create the possibility of a new or different kind of accident from those previously evaluated in the safety analysis report. No modifications have been made to the installed instrumentation or accident analysis as a result of this proposed amendment. The proposed amendment is submitted to reflect the range of the installed equipment as noted in Section 3A.12 of the UFSAR. Therefore, the proposed changes will not create the possibility of a new or different kind of accident than any previously evaluated.

3. The proposed changes do not involve a significant reduction in the margin of safety. No physical plant modifications, changes in plant operations, or changes in accident analysis assumptions are being made. The proposed amendment is submitted to reflect the range of the installed equipment as noted in Section 3A.12 of the UFSAR. Therefore, the accident analysis assumptions remain bounding and safety margins remain unchanged.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Herbert N. Berkow

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: October 8, 1991

Description of amendment request: The proposed changes will upgrade portions of Sections 3.0 and 4.0 of the Surry Power Station Technical Specifications by incorporating conclusions reached in Generic Letter 87-09. The proposed changes restrict the changing of operational conditions while in Limiting Conditions for Operation (LCO), allow entry into an action statement due to a missed surveillance to be delayed for 24 hours, and require the completion of the surveillance requirements of an LCO prior to changing operational conditions. Exceptions to certain requirements of Sections 3.0 and 4.0 are also proposed. Paragraphs unaffected by this change would be relocated in some cases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment[s] would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Specification 3.0.3 has been added as a clarification to specifically limit entry into an operational condition when the conditions for the LCO are not met and the associated action statement requires a shutdown if they are not completed within a specified time interval. For [an] LCO that has action statement requirements permitting continued operation for an unlimited period of time or an exception to Specification 3.0.3, entry into an operational mode or other specified condition of operation should be permitted in accordance with those action statement

requirements. This clarification is consistent with existing NRC regulatory requirements for [an] LCO.

Surveillances provide positive verification of operability. A 24-hour time limit has been included in Specification 4.0.3 allowing a delay of the required actions to permit the performances of the missed surveillance. This change is justified in that it is overly conservative to assume that systems or components are immediately inoperable when a surveillance requirement has not been performed. The NRC concluded in Generic Letter 87-09 that a 24-hour time limit balances the risks associated with an allowance for completing the surveillance within this period against the risks associated with the potential for a plant upset and challenge to safety systems when the alternative is a shutdown to comply with action statement requirements before the surveillance can be completed. The NRC concluded that the potential for a plant upset and challenge to safety systems is increased if surveillances are performed during actions to initiate a shutdown to comply with action statement requirements. We concur with this assessment and conclude that this change does not increase the probabilities or consequences of an accident.

Specification 4.0.4 has been modified to note that its provisions shall not prevent passage through or to operational conditions as required to comply with action statement requirements. This is consistent with the intent of the existing Technical Specifications and only represents a clarification.

No previously analyzed accident scenario is changed by [these amendments]. Initiating conditions and assumptions remain as previously analyzed.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated above, the proposed changes do not involve changes to the physical plant or operations.

The changes being proposed to achieve consistency with Generic Letter 87-09 are clarifications of existing specifications with the exception of the 24-hour time limit to perform a missed surveillance. As noted in the generic letter, that change addresses a balance between positive verification of operability and the potential risk of known transients or plant upsets which may occur during activities to initiate a shutdown. This change does not alter any accident scenarios. Therefore, the proposed changes do not create the possibility of a new or different kind of accident.

(3) Use of the modified specification would not involve a significant reduction in a margin of safety.

For the changes intended to achieve consistency with the recommendation of Generic Letter 87-09 "Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions [for] Operation and Surveillance Requirements," the NRC [s]taff has previously evaluated these changes in the generic letter and determined that the modifications will result in improved [T]echnical [S]pecifications. No other changes are proposed.

Therefore, use of the proposed specification would not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Herbert N. Berkow

Previously Published Notices Of Consideratioin Of Issuance of Amendments To Operating LIcenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: November 20, 1991 as supplemented December 5, 1991

Brief Description of amendments request: The proposed amendments would change the parameters in Technical Specification Table 2.2-1 to compensate for potential nonconservatisms in the F-Delta I (axial flux differences) portion to the Overtemperature-Delta T reactor trip function. Date of publication of individual notice in **Federal Register:** November 29, 1991 (56 FR 61062)

Expiration date of individual notice: Comment period expires December 14, 1991; Notice period expires December 30, 1991.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: David B. Matthews

Notice Of Issuance Of Amendment To Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

DC 20555, Attention: Director, Division of Reactor Projects.

Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: August 23, 1991

Brief description of amendment: The amendment removes Technical Specification 4.0.1c which limits the combined time interval for any three consecutive surveillance intervals to less than 3.25 times the specified surveillance interval.

Date of issuance: December 10, 1991

Effective date: December 10, 1991

Amendment No. 137

Facility Operating License No. DPR-23. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55943) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 10, 1991

No significant hazards consideration comments received: No

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: October 10, 1990, as amended by letter dated October 16, 1991.

Brief description of amendments: This amendment modifies the Technical Specification (TS) requirements for the High Pressure Core Spray (HPCS) system by permanently aligning the HPCS suction to the suppression pool and removing all TS requirements for aligning the HPCS suction to the condensate storage tank. In addition, containment isolation requirements are added for the new Reactor Core Isolation Cooling (RCIC) full flow test line to the suppression pool.

Date of issuance: November 27, 1991

Effective date: November 27, 1991

Amendment Nos.: 81 and 65

Facility Operating License Nos. NPF-11 and NPF-18. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 14, 1990 (55 FR 47569) The October 16, 1991, letter provided additional clarifying information that did not change the initial proposed no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 27, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: September 26, 1991

Brief description of amendment: The proposed amendment would revise TS Sections 6.1.5(h), 6.2.2, 6.3.2, 7.3.5(e), and 7.5.7 to clarify equipment operability requirements during periods when all fuel is removed from the reactor vessel. This amendment request was submitted in response to a NRC Temporary Waiver of Compliance (TWC) granted to the Big Rock Point Plant on November 5, 1990.

Date of issuance: December 13, 1991

Effective date: December 13, 1991

Amendment No.: 106

Facility Operating License No. DPR-6. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** November 8, 1991 (56 FR 57360) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 13, 1991. No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: March 8, 1991

Brief description of amendments: The amendments revise Technical Specification 3.8.1.1 to increase the minimum volume of fuel oil for the emergency diesel generators from 28,000 gallons to 39,500 gallons for Modes 1 through 4.

Date of issuance: December 9, 1991

Effective date: December 9, 1991

Amendment Nos.: 129, 111

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 15, 1991 (56 FR 22463) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 9, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of application for amendments: July 26, 1989

Brief description of amendments: These amendments revise Technical Specifications Section 3.7 for both units to clarify testing requirements for the main steam line isolation valves and for the main feedwater line isolation valves.

Date of Issuance: December 5, 1991

Effective Date: December 5, 1991

Amendment Nos.: 111 & 52

Facility Operating License Nos. DPR-67 and NPF-16: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1989 (54 FR 35102) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 5, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of application for amendments: February 26, 1991

Brief description of amendments: These amendments make administrative changes to achieve consistency throughout the Technical Specifications by removing outdated material, making minor text changes, and correcting errors.

Date of Issuance: December 5, 1991

Effective Date: December 5, 1991

Amendment Nos.: 112 & 53

Facility Operating License Nos. DPR-67 and NPF-16: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 17, 1991 (56 FR 15641) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 5, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: October 31, 1991

Brief description of amendments: These amendments allow operation with the AFD outside the ±5% target band, without accruing penalty deviation time, solely for the calibration of excore detectors, provided the AFD is within the acceptable operation limits of TS Figure 3.2-1. In addition, a footnote is modified to include that such surveillance testing will be performed below 90% of rated thermal power. A Temporary Waiver of Compliance concerning this change was verbally granted by the NRC on October 30, 1991, followed by an NRC letter dated October 31, 1991.

Date of issuance: December 6, 1991

Effective date: December 6, 1991

Amendment Nos. 150 & 145

Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes (56 FR 57537). That notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided for an opportunity to request a hearing by December 12, 1991, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendments. The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated December 6, 1991.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: June 26, 1991

Brief description of amendment: The amendment modifies Table 4.8.1.1.2-1 of the Technical Specifications (TS) related to the testing frequency of the Emergency Diesel Generators to permit returning to a regular monthly testing schedule from an increased test frequency when seven consecutive failure-free demands have been performed and the number of failures in the last 20 valid demands has been reduced to less than or equal to one regardless of which failure criteria in Table 4.8.1.1.2-1 had resulted in the increased testing frequency. This amendment also revises T.S. 4.8.1.1.3 "Reports" to allow failure statistics to be kept on a per-diesel-generator basis rather than on a per-nuclear-unit basis for the purpose of reporting failures.

Date of issuance: December 3, 1991

Effective date: December 3, 1991, to be implemented within 60 days

Amendment No.:

Amendment No. 62

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49918) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 3, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendments: April 16, 1991

Brief description of amendments: The Technical Specifications (TS) definitions and requirements relating to Units 1 and 2 containment integrity and containment air lock operability and surveillance were revised. The definition of CONTAINMENT INTEGRITY (TS 1.8) along with its the related surveillance requirement (TS 4.6.1.1.b), and containment leakage limitations (TS 4.6.1.2.e) was revised to indicate that for containment integrity to exist, air locks must be in compliance with the applicable operability requirements. Also, the amendment deleted a Unit 1 surveillance requirement (TS 4.6.1.3.a) that air locks be visually inspected after each opening to verify that the seal has not been damaged.

Date of issuance: December 5, 1991

Effective date: December 5, 1991

Amendments Nos.: 160 & 144 Facility Operating Licenses Nos. DPR-58 and DPR-74. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49919). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 5, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: May 13, 1991

Brief description of amendment: This amendment would modify the Maine Yankee Radiological Effluent Technical Specifications (RETS) in response to NRC guidance provided in Generic Letter 89-01. As recommended in the NRC guidance, procedural details currently found in the RETS are to be moved to the Offsite Dose Calculation Manual (ODCM), with programmatic controls incorporated into the Administrative Controls section of the Technical Specifications.

Date of issuance: December 4, 1991

Effective date: December 4, 1991

Amendment No.: 125

Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55948) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 4, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: September 4, 1991

Brief description of amendments: These amendments change Technical Specification 4.5.1.c.2 such that the HPCI system is verified to develop a flow of at least 5000 gpm against a test line pressure of greater than or equal to 245 psig when measured at the pump discharge centerline when steam is being supplied to the HPCI turbine at 150 ± 15 psig.

Date of issuance: December 2, 1991

Effective date: December 2, 1991

Amendment Nos.: 114 and 83

Facility Operating License Nos. NPF-14 and NPF-22. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51927) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 2, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendment: April 26, 1990

Brief description of amendment: The amendments revised the Technical Specifications to extend the surveillance test intervals and allowable out-of-service times for instrumentation supporting the Reactor Protection System (RPS) and Emergency Core Cooling System (ECCS), including instrumentation common to the Control Rod Block Function, the Reactor Core Isolation Cooling system (RCIC), and the isolation instrumentation common to RPS and/or ECCS.

Date of issuance: December 2, 1991

Effective date: Units 1 and 2, Fifteen (15) days after date of issuance

Amendment No. 53 and 17

Facility Operating License Nos. NPF-39 and NPF-85. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 30, 1990 (55 FR 21975) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 2, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: January 16, 1991, supplemented October 10, 1991.

Brief description of amendment: The amendment deletes Table 3.7-1, "Primary Containment Isolation Valves," along with any associated notes and any references to this table from the Technical Specifications. These changes were made in accordance with the guidance given in NRC Generic Letter 91-08, "Removal of Component Lists from Technical Specifications," dated May 6, 1991. Several administrative changes have also been incorporated in this amendment.

Date of issuance: December 2, 1991

Effective date: December 2, 1991

Amendment No.: 173

Facility Operating License No. DPR-59: Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** February 20, 1991 (56 FR 60880) and renoticed October 30, 1991 (56 FR 55949). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 2, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of Oswego, Oswego, New York 13126.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: October 3, 1991

Brief description of amendments: The amendments revise the NA-1&2 TS 4.4.5.4.a.9 which provides preservice inspection (baseline eddy current examination) requirements for steam generator tubing.

Date of issuance: December 4, 1991

Effective date: December 4, 1991

Amendment Nos.: 151 and 135

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55950) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 4, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: October 3, 1991

Brief description of amendments: The amendments revise the current NA-1&2 TS to ensure the design basis is met for the NA-1&2 Service Water System.

Date of issuance: December 13, 1991

Effective date: December 13, 1991

Amendment Nos.: 152 & 136

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55950) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 13, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Notice of Issuance Of Amendment To Facility Operating License and Final Determination Of No Significant Hazards Consideration and Opportunity for Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public

comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are 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 for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By January 27, 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 for the particular facility involved. 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 of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

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 (Project Director): 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 the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board 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). **Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington**

Date of application for amendment: November 25, 1991

Brief description of amendment: The amendment revised Technical Specifications 3.3.7.5 and 3.4.2 to allow continued plant operation with one safety relief valve acoustic monitor inoperable until the next refueling outage or until the first forced outage of sufficient duration to effect repair/replacement of the acoustic monitor.

Date of issuance: November 29, 1991

Effective date: November 29, 1991

Amendment No.: 96

Facility Operating License No. NPF-21: Amendment revised the Technical Specifications. Public comments requested as to no significant hazards consideration: No The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration determination are contained in a Safety Evaluated dated November 29, 1991.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Attorney for licensee: Nicholas S. Reynolds, Esq., Winston & Strawn, 1440 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: Theodore R. Quay

Dated at Rockville, Maryland, this 18th day of December 1991.

For the Nuclear Regulatory Commission

Bruce A. Boger,

Director, Division of Reactor Projects - III/IV/V Office of Nuclear Reactor Regulation

[Doc. 91-30697 Filed 12-24-91; 8:45 am]

BILLING CODE 7590-01-D

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would modify Technical Specification (TS) 6.9.1.9, "Technical Report Supporting Cycle Operation," to add a reference that includes the analytical methods used to determine the core operating limits relative to Zircaloy fuel. In addition the licensee proposed to upgrade parts of their amendment request of June 27, 1991 to exigent circumstances. This action is not necessary as the proposed amendment has been previously noticed in the **Federal Register** on July 31, 1991 (56 FR 36175) and no comments or requests for hearing have been received. The proposed amendment is necessary to load the new Zircaloy fuel and operate the plant. Therefore, the exigent circumstances exist, as the current TS does not allow the fuel to be loaded and will delay the resumption of operation of the plant.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

All Chapter 15 accidents were reviewed to determine if they were impacted by the proposed change to Technical Specification 6.9.1.9. This proposed change is to the Technical Specifications only. There are no hardware changes associated with it and no equipment that is important to safety is affected by the proposed change. Adding the reference of the NRC SER for the LBLOCA analysis in no way will affect the plant response to design basis accidents.

The proposed change is to the Technical Specifications only and cannot be an initiating event for any previously analyzed accidents and as such does not affect the probability of occurrence of the previously evaluated accidents. Since plant operation and plant equipment important to safety are not affected by this proposed change, the offsite radiological releases from design basis accidents will not be increased and there will be no effect on the consequences of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

As stated above, the proposed change is to the Technical Specifications only. The proposed change will not change plant conditions or plant response sufficiently to create an accident of a different type than previously evaluated. Adding a reference to the Technical Specifications will not affect plant conditions and thus, there is no possibility of a malfunction of a different type than previously analyzed.

3. Involve a Significant Reduction in a Margin of Safety.

Since there is no impact on the consequences of any accident, there can be no impact on any of the protective boundaries.

Adding the reference to Section 6.9.1.9 better defines the approved analytical methods used to determine the core operating limits. Therefore, the proposed change meets the intent of the technical specifications and does not impact the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications

Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 27, 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 Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

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 of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to John F. Stolz: 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 Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearings will not be entertained absent a determination by the

Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amended dated December 16, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Dated at Rockville, Maryland, this 19th day of December 1991.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Project Manager, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–30832 Filed 12–24–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–412]

Dequesne Light Co., Ohio Edison Co., the Cleveland Electric Illuminating Co., the Toledo Edison Co., Beaver Valley Power Station, Unit 2; Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied, in part, a request by Duquesne Light Company (DLC) for an amendment to Facility Operating License No. NPF–73, issued to DLC for operation of the Beaver Valley Power Station, Unit 2, located in Beaver County, Pennsylvania. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on August 20, 1991 (56 FR 41580).

The purpose of the DLC's amendment request was to revise the Technical Specifications (TS) by deleting a nonapplicable (first fuel cycle only) Action statement and reannotating the last two Action statements. It will also modify Table 3.3–11 by deleting a nonapplicable (first fuel cycle only) note.

Included in this proposal was a request to reduce the total number of channels specified in table 3.3–11 for the Reactor Vessel Level Indication System (RVLIS) from 2 to 1. The proposed reduction in RVLIS channels is not consistent with Generic Letter 83–37 which specifies 2 channels, nor is it consistent with the Westinghouse Standard Technical Specifications. Furthermore, the current requirements for RVLIS are not unique to Beaver Valley Unit 2. Therefore, the NRC staff has concluded that your request to reduce the total number of RVLIS channels from 2 to 1 is not acceptable.

All other provisions of the amendment request have been approved by amendment No. 41 dated December 13, 1991. Notice of Issuance of Amendment No. 41 will be published in the Commission's biweekly **Federal Register** notice.

The DLC was notified of the Commission's partial denial of the proposed change by letter dated December 13, 1991.

By January 27, 1992, the DLC may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esquire and Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the DLC.

For further details with respect to this action, see (1) the application for amendment dated April 12, 1991, and (2) the Commission's letter to the DLC dated December 13, 1991.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 13th day of December 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–30828 Filed 12–24–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–289]

GPU Nuclear Corp.; Notice of Consideration of Issuance of Amendment To Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–50, issued to GPU Nuclear Corporation, (the licensee), for operation of the Three Mile Island Nuclear Station, Unit 1 located in Dauphin County, Pennsylvania.

The proposed amendment would increase the number of spent fuel assemblies which may be stored in the spent fuel pool (SFP) from 749 assemblies to 1494 assemblies through use of high density spent fuel storage racks whose design incorporates Boral as a neutron absorber. The changes would affect Technical Specification Sections 5.4.1.a and 5.4.2. and adds a Figure 5–4.

Projections now indicate that full core discharge capability will be lost following the scheduled 1993 refueling outage. The increased storage capacity will extend his capability to the year 2023, well beyond the present license expiration date of 2014.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or the consequences of an accident previously evaluated. The following previously analyzed accident scenarios have been considered as part of the analyses required to support the

installation of high density spent fuel storage racks:

a. Spent Fuel Assembly Drop—The criticality acceptance criterion, K_{eff} [less than or equal to] 0.95, is maintained and the radiological consequences remain bounded by previous analysis. Therefore, the proposed change has no effect on this accident scenario.

b. Spent Fuel Cask Drop—TMI–1 Technical Specifications preclude movement of spent fuel cask when fuel is stored in the spent fuel storage pools. Therefore, the proposed change has no effect on this accident scenario.

c. Seismic Event—The new racks are designed and fabricated to remain functional during and after a Safe Shutdown Earthquake under all loading conditions. Analysis has demonstrated that no rack-to-rack or rack-to-wall impacts occur. The potential for overturning has been analyzed and shown to be not possible. Pool slab analysis has demonstrated adequate structural integrity for all postulated loading conditions. Therefore, the proposed change has no effect on this accident scenario.

d. Loss of Spent Fuel Pool Cooling—Sufficient time is available to provide an alternate means of cooling in the event of a failure in the cooling system. Therefore, the proposed change has no effect on this accident scenario.

Accordingly, the proposed modification does not increase the probability of occurrence or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. Administrative controls during rack installation will preclude the movement of a new or existing rack[s] directly over any fuel. The new fuel storage vault and the decontamination pit will be equipped with structural impact shields adequate to sustain a potential rack drop. The Fuel Storage Building crane has sufficient safety factor to preclude potential single-failure mechanisms. Therefore, this change has no effect on the possibility of creating a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety. Analysis has demonstrated that the established critically acceptance criterion, K_{eff} [less than or equal to] 0.95 including uncertainties, is maintained with the racks fully loaded with fuel of the highest anticipated reactivity. Thermal-hydraulic analyses is not exceeded for the increase in pool heat load, and that the maximum local water temperature along with the hottest fuel assembly is below the nuclear boiling condition value. The maximum calculated bulk pool water temperature of 160°F results in a negligible decrease in the time-to-boil margin of safety. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural considerations have maintained margins of safety against tilting and deflection or movement. Therefore, this change has no effect on the margins of safety related to nuclear criticality, thermal and structural integrity, and material compatibility.

The proposed amendment is considered to be in the same category as example (x) of amendments that are considered not likely to involve significant hazards consideration as provided in the final NRC adoption of 10 CFR 50.92 published on page 7751 of the **Federal Register** Volume 51, No. 44, March 8, 1986. This example indicates that an amendment is not likely to involve a significant hazards condition as follows:

Criterion (1)

The storage expansion method consists of either replacing existing racks with a design which allows closer spacing between stored spent fuel assemblies or placing additional racks of the original design on the pool floor if space permits.

Proposed Amendment

The TMI–1 spent fuel pool rerack involves both replacing existing and adding new racks where space permits. The new racks allow closer spacing of the stored spent fuel by incorporating a neutron absorber and requiring that only burned fuel be stored in Region II. Region I is designed for allowing safe storage of fresh or irradiated fuel.

Criterion (2)

The storage expansion method does not involve rod consolidation or double tiering.

Proposed Amendment

The TMI–1 racks are not double tiered and all racks will sit on the spent fuel pool floor. Additionally, the amendment application does not involve consolidation of spent fuel.

Criterion (3)

The K_{eff} of the pool is maintained less than or equal to 0.95.

Proposed Amendment

The design of the new spent fuel racks contains a neutron absorber, Boral, to allow close storage of spent fuel assemblies while ensuring that the K_{eff} remains less than 0.95 under all operating conditions with pure water in the pool.

Criterion (4)

No new technology or unproven technology is utilized in either the construction process or the analytical techniques necessary to justify the expansion.

Proposed Amendment

The rack designer, Holtec International, has licensed at least ten (10) other racks of the same design. The construction processes and analytical techniques remain substantially the same as these other ten (10) rack installations. Thus, no new or unproven technology is utilized in the construction or analysis of the high density TMI–1 spent fuel racks.

Thus, the submittal meets example (x) presented in the supplementary information accompanying publication of the Final Rule and is considered as not involving significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:14 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 27, 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 Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105. 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 of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: 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 Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41670, October 15, 1985) to 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules

in 10 CFR part 2, subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in adjudicatory hearing. If no party to the proceedings requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G, apply.

For further details with respect to this action, see the application for amendment dated November 14, 1990, as supplemented June 6, June 14, and September 18, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 18th day of December 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–30831 Filed 12–24–91; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Extension of OPM Form 1530

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a request to extend an information collection from the public. OPM Form 1530, Report of Medical Examination of Person Electing Survivor Benefit Under the Civil Service Retirement System, is completed by employees who wish to provide a survivor benefit for a person who has an insurable interest in the applicant. This form is designed to collect information from both the applicant and the applicant's physician regarding the applicant's health.

Approximately 1,000 insurable interest survivor annuities are elected annually. It requires one hour and 30 minutes to assemble the needed information. The annual burden is 1500 hours.

For copies of this proposal, contact C. Ronald Trueworthy, on (703) 908–8550.

ADDRESSES: Send or deliver comments to:

Mary Beth Smith-Toomey, Program Clearance Officer, U.S. Office of Personnel Management, 1900 E. Street, NW., SBH22, Washington, DC 20415.

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey (202) 606–0623.

Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 91–30722 Filed 12–24–91; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30088; File No. SR–CBOE–91–46]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Telecommunication Charges

December 17, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 22, 1991, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposed a new $10 per month fee to be charged to active clearing firms (those actually executing trades)[1] to recover the cost of an enhancement to the CBOE's trading floor telephone system. The enhancement will provide clearing firms with telephone access from the trading floor to the back offices of clearing firms. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis, for, the Proposed Rule Change

(1) Purpose

As an enhancement to intraday trade checking, the Exchange is providing telephone access from the trading floor to clearing firm back offices. Members will have direct access from each trading post and station to clearing firm back offices for the review of trade tickets and out-trade reports. In order to cover the cost of this service, the Exchange has determined to charge each active clearing firm ten dollars per months.

(2) Basis

The Exchange believes that the proposed rule change is consistent with

[1] The fee is only applicable to active clearing firms. Firms that are members of both the CBOE and the Options Clearing Corporation are eligible to self-clear. Not all such firms, however, are actively self-clearing. Some of such firms are executing through other clearing members, and others are inactive for various reasons. Only those firms that are actually executing trades on a daily basis will be deemed "active firms" and assessed the fee. See letter from Nancy L. Nielsen, Assistant Corporate Secretary, CBOE, to Mark McNair, Staff Attorney, Division of Market Regulation, dated December 9, 1991.

section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate 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 were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change 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 the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number in the caption above and should be submitted by January 16, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–30823 Filed 12–24–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30101; File No. SR–OCC–91–20]

Self-Regulatory Organizations; the Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to Rescission of Amendment No. 5 to Stockholders Agreement

December 18, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 18, 1991, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to rescind Amendment No. 5 to the OCC Stockholders Agreement ("Amendment No. 5") and to repeal Article III, section 9(b) of the By-laws. Amendment No. 5 provided in substance that in the event of a sale or liquidation of OCC, OCC's stockholder would pay over a portion of the after-tax proceeds to Clearing Members. Article III, section 9(b) of the By-laws provided for the establishment of a Transaction Committee to represent the interests of Clearing Members in transactions covered by Amendment No. 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to rescind Amendment No. 5 and to repeal Article III, section 9(b) of OCC's By-laws. In a pending audit of OCC's income tax returns for the years 1987 through 1990, an Internal Revenue Service ("IRS") auditor preliminarily has asserted that OCC's Clearing Members should be treated as stockholders for federal income tax purposes. If this contention were to be sustained, OCC might be required to treat clearing fee refunds as non-deductible dividends rather than as deductible business expenses.

The IRS auditor has cited Amendment No. 5, which became effective in October 1990,[1] as support for his position. Amendment No. 5 provided in substance that in the event of a sale or liquidation of OCC, OCC's stockholders would pay over a portion of the after-tax proceeds to those entities that were then Clearing Members. The IRS auditor contends that Amendment No. 5 gives Clearing Members an economic interest in OCC's assets similar to that of a stockholder.

OCC considers the auditor's position to be without merit. Nevertheless, since the events that would trigger Amendment No. 5 are sufficiently remote, OCC does not believe that providing for them is important enough to warrant giving the IRS an additional argument, however weak, in support of its audit position.

The proposed rule change will approve a New Amendment No. 6 to the Stockholders Agreement that will rescind Amendment No. 5 retroactively to its effective date. The proposed rule change will also repeal article III, section 9(b) of OCC's By-laws, which provides for the establishment of a Transaction Committtee to represent the interests of Clearing Members in transactions covered by Amendment No. 5. Lastly, the proposal will delete from article III, section 9 certain language that was replaced in a previous rule filing but inadvertently was not deleted.[2]

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[1] Securities Exchange Act Release No. 28500 (October 1, 1990), 55 FR 41407 [File No. SR–OCC–90–07].

[2] Securities Exchange Act Release No. 27211 (September 1, 1989), 54 FR 37855,

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change were not and are not intended to be solicited by OCC, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission believes the proposed rule change is consistent with the Act and in particular with sections 17A(b)(3) (A) and (F) of the Act.[3] Those Sections require that a clearing agency, such as OCC, be organized and that its rules be designed to assure the safeguarding of securities and funds which are in its custody and control or for which it is responsible. Clearing fees, a portion of which are returned periodically to Clearing Members, represent funds that are within the custody and control of OCC. The purpose of this proposed rule change is to modify the process by which the after-tax proceeds of a sale or liquidation of OCC are to be distributed to Clearing Members. By rescinding Amendment No. 5, OCC will help clarify the tax treatment of annual clearing fee refunds.

OCC has requested that the Commission find good cause for approving the proposed rule change prior to thirty days after the date of publication of this notice in the **Federal Register**. The Commission finds good cause for so approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because of the Commission's belief that it is desirable that the proposed rule change be approved before OCC authorizes at its December 19, 1991, Board of Directors meeting any refund of clearing fees to be paid in 1991.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principle office of OCC. All submissions should refer to File No. SR–OCC–91–20 and should be submitted by January 16, 1992.

V. Conclusion

On the basis of the foregoing, the Commission finds the proposed rule change to be consistent with the Act and in particular with section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act [4] that the proposed rule change be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. [5]

Jonathan G. Katz,

Secretary.

[FR Doc. 91–30824 Filed 12–24–91; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78q–1(b)(3) (A) and (F).

[4] 15 U.S.C. 78s(b)(2).

[5] 17 CFR 200.30–3(a)(12).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

December 19, 1991.

The above named national securities exchange as filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Attwoods, Plc
American Depositary Shares (File No. 7–7695)
Argentina Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–7696)
Agricultural Minerals Co.
Limited Partners, Senior Preferred Units, No Par Value (File No. 7–7697)
Bangor Hydro
Common Stock, $5.00 Par Value (File No. 7–7698)
Blackstone Municipal Target Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–7699)
Damon Corp.
Common Stock, $.01 Par Value (File No. 7–7700)
Foxmeyer Corp.
Common Stock, $.01 Par Value (File No. 7–7701)
General Physics Corp.
Common Stock, $.025 Par Value (File No. 7–7702)
Health Care & Retirement Corp.
Common Stock, $.01 Par Value (File No. 7–7703)
Horace Mann Educator Corp.
Common Stock, $.01 Par Value (File No. 7–7704)
Morgan Stanley Emerging Markets Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–7705)
Owens-Illinois, Inc.
Common Stock, $.01 Par Value (File No. 7–7706)
Presley Companies
Common Stock, $.01 Par Value (File No. 7–7707)
Sunbelt Nursery Group, Inc.
Common Stock, $.01 Par Value (File No. 7–7708)
Shopko Stores, Inc.
Common Stock, $.01 Par Value (File No. 7–7709)
Warnaco Group, Inc.
Common Stock, $.01 Par Value (File No. 7–7710)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 13, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–30746 Filed 12–24–91; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 19, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Guaranty National Corporation
Common Stock, $1.00 Par Value (File No. 7–7711)
Heist (C.H.) Corporation
Common Stock, $.05 Par Value (File No. 7–7712)
K–V Pharmaceuticals Company
Class B Common Stock, $.01 Par Value (File No. 7–7713)
Employee Benefit Plans, Inc.
Common Stock, $.01 Par Value (File No. 7–7714)
Healthtrust, Inc. The Hospital Company
Common Stock, $.001 Par Value (File No. 7–7715)
Muniyield Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–7716)
Oceaneering International, Inc.
Common Stock, $.25 Par Value (File No. 7–7717)
Tenneco, Inc.
Depository Shares (representing ½ share Series A Cumulative Preferred Stock, Without Par Value) (File No. 7–7718)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 13, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–30747 Filed 12–24–91; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 1540]

United States Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Study Group A Meeting; Meeting

The Department of State announces that CCITT Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Thursday, January 16, 1992 in Conference Room 1107, commencing at 9:30 a.m. at the Department of State, 2201 C Street, NW, Washington, DC 20520.

The Agenda for this meeting will include a review of the results of the Baltimore Rapporteurs meeting of Study Group III, several SG–A ad hoc meetings to prepare for Study Groups II and III activities upcoming in January and February, 1992, and upcoming meetings of Study Group I. A more detailed draft agenda for the Study Group A meeting will be introduced at this meeting.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chair.

Please Note: Persons planning to attend the above meeting must announce this no later than five days before the meeting to the Department of State, Earl S. Barbely (202) 647–0201 (fax 202–647–7407). The announcement must include name, social security number, and date of birth, if you have not already provided this personal data to this office. The above includes government and non-government attendees. All attendees must use the C Street entrance.

Please bring 60 copies of documents to be considered at this meeting. If the document has been mailed, bring only 10 copies.

Dated: December 17, 1991.

Earl S. Barbely,

Director Telecommunications and Information Standards, Chairman, U.S. CCITT National Committee.

[FR Doc. 91–30816 Filed 12–24–91; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 1536]

Overseas Schools Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee meeting on Wednesday, January 22, 1992, at 9:30 a.m. in Conference Room 1105, Department of State Building, 2201 C Street, NW., Washington, DC. The meeting is open to the public.

The Overseas Schools Advisory Council works closely with the U.S. business community in improving those American-sponsored schools overseas which are assisted by the Department of State and which are attended by dependents of U.S. government families and children of employees of U.S. corporations and foundations abroad.

This meeting will deal with issues related to the work and the support provided by the Overseas Schools Advisory Council to the American-sponsored overseas schools.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Access to the State Department is controlled and individual building passes are required for each attendee. Entry will be facilitated if arrangements are made in advance of the meeting. Persons who plan to attend should so advise the office of Dr. Ernest N. Mannino, Department of State, telephone 703–875–7800, prior to January 20. All attendees must use the C Street entrance to the building.

Dated: December 11, 1991.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 91–30813 Filed 12–24–91; 8:45 am]

BILLING CODE 4710–24–M

[Public Notice 1539]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Working Group on Carriage of Dangerous Goods; Meeting

The Working Group on Carriage of Dangerous Goods of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 9:30 a.m. on January 15, 1992, in room 2415, at U.S. Coast Guard Headquarters, 2100 2d Street, SW., Washington, DC 20593–0001. The purpose of the meeting is to finalize preparations for the 43rd Session of the Subcommittee on the Carriage of Dangerous Goods of the International Maritime Organization (IMO) which is scheduled for January 27–31, 1992, at the IMO Headquarters in London. The agenda items include:

a. Amendments to the International Maritime Dangerous Goods (IMDG) Code.

b. Implementation of the IMDG Code.

c. Amendments to section 13 of the General Introduction to the IMDG Code

to cover transport in tanks of solid dangerous substances including molten substances in solidified form, and the transport of dangerous substances under heated conditions.

d. Revision of section 21 of the General Introduction—Controlled temperature requirements.

e. Development of criteria for stowage and segregation requirements.

f. Development of criteria for the hermetic sealing of receptacles, packages and Intermediate Bulk Containers.

g. Amendments to the Emergency Procedures for Ships Carrying Dangerous Goods and the Medical First Aid Guide for Use in Accidents involving Dangerous Goods.

h. Implementation of Annex III of the Marine Pollution Convention (MARPOL 73/78), as amended, and amendments to the IMDG Code to cover pollution aspects (including immersion testing of packages for marine pollutants).

i. Carriage of dangerous goods on vehicle decks of passenger ships.

j. Requirements for hazardous ships' stores.

k. Transboundary movement of wastes by sea.

l. Stowage and segregation in open-top container ships.

m. Relations with other organizations.

n. Requirements for carriage of irradiated nuclear fuel.

o. Marking of explosives for detectability.

p. Reports on incidents involving packaged dangerous goods or marine pollutants on board ships or in port areas.

q. Dangerous goods in passengers' baggage and cars.

r. Carriage of dangerous goods documentation.

s. Updating of the Recommendations on the Safe Transport, Handling and Storage of Dangerous Goods in Port Areas.

t. Review of existing ships' safety standards.

u. Review of the Hazardous and Noxious Substances (HNS) Working Group Reports—Draft HNS Convention.

v. Night signals on ships carrying dangerous goods.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: CDR K. J. Eldridge, U.S. Coast Guard (G–MTH–1), 2100 Second Street, SW., Washington, DC 20593–0001 or by calling (202) 267–1577.

Dated: December 17, 1991.

Bruce Carter,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 91–30814 Filed 12–24–91; 8:45 am]

BILLING CODE 4710–04–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended December 13, 1991

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: 47904.
Date filed: December 9, 1991.
Parties: Members of the International Air Transportation Association
Subject: PAC/Reso/371 dated December 2, 1991. Finally Adopted Resolutions, R–1 to R–21. PAC/Meet/115 dated December 2, 1991–Minutes.
Proposed Effective Date: April 1, 1992.

Docket Number: 47905.
Dated Filed: December 9, 1991.
Parties: Members of the International Air Transport Association.
Subject: Telex dated December 5, 1991. Reso 024f—Fare Changes From Sri Lanka.
Proposed Effective Date: Upon Necessary Government Approvals.

Docket Number: 47906.
Date filed: December 9, 1991.
Parties: Members of the International Air Transport Association.
Subject: Telex dated December 2, 1991. Mail Vote 525–Belgium to Libya GIT fares (Reso 084gg).
Proposed Effective Date: January 1, 1992.

Docket Number: 47907.
Date filed: December 9, 1991.
Parties: Members of the International Air Transport Association.
Subject: TC23 Reso/P0476 dated November 20, 1991. Middle East–TC3 Expedited Resos R–1 to R–4.
Proposed Effective Date: March 1, 1992.

Docket Number: 47914.
Dated filed: December 13, 1991.
Parties: Members of the International Air Transport Association.
Subject: Telex dated December 5, 1991. Mail Vote 526 (China-Japan fares) R–1 to R–4.
Proposed Effective Date: January 4, 1992.

Docket Number: 47915.
Date filed: December 13, 1991.
Parties: Members of the International Air Transport Association.
Subject: TC2 Reso/P 1172 dated December 5, 1991. Europe-Middle East Expedited Resos R–1 to R–5.
Proposed Effective Date: February 1, 1992.

Docket Number: 47916.
Date filed: December 13, 1991.
Parties: Members of the International Air Transport Association.
Subject: TC12 Reso/P 1357 dated September 19, 1991. South Atlantic Resos R–1 to R–13.
Proposed Effective Date: April 1, 1992.

Docket Number: 47919.
Date filed: December 13, 1991.
Parties: Members of the International Air Transport Association.
Subject: SNATC2061 dated October 24, 1991. U.S.-Europe Agreement R–1 to R–3.
Proposed Effective Date: April 1, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91–30820 Filed 12–24–91; 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 December 13, 1991

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 adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47911.
Date filed: December 11, 1991.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 8, 1992.
Description: Application of Delta Air Lines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations applies for a new or amended certificate of public convenience and necessity to permit Delta to provide foreign air transportation between Honolulu, Hawaii and Nagoya, Japan.

Docket Number: 47912.
Date filed: December 12, 1991.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 9, 1992.

Description: Application of Patriot Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, for issuance of a certificate of public convenience and necessity so as to authorize Patriot to provide interstate and overseas air transportation of persons, property and mail between various points in the United States.

Docket Number: 47917.

Date filed: December 13, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 10, 1992.

Description: Application of USAir, Inc., pursuant to section 401 of the Act and subpart Q of the Act applies for a new or amended certificate of public convenience and necessity so as to authorize USAir to provide scheduled foreign air transportation on a nonstop basis between Baltimore/Washington and Tampa, on the one hand, and Grand Cayman, Cayman Islands, on the other hand.

Docket Number: 44992.

Date filed: December 10, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 7, 1992.

Description: Application of Compania de Aviacion "Faucet," S.A., pursuant to section 402 of the Act and subpart Q of the Regulations, applies for renewal of its foreign air carrier permit to engage in scheduled foreign air combination passenger, property and mail service between the United States and Peru.

Docket Number: 44944.

Date filed: December 11, 1991.

Due Date for Answers, Conforming Application, or Motion to Modify Scope: January 8, 1992.

Description: Application of Aeronaves Del Peru, pursuant to section 402 of the Act, requests renewal of its foreign air carrier permit for an additional indefinite period authorizing it to engage in scheduled foreign air transportation of property and mail twice weekly between Lima, Peru; via the intermediate points Panama City, Panama; Guayaquil, Ecuador (blind sector); Bogata and Cali, Columbia (blind sectors); and the terminal point Miami, Florida.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91-30819 Filed 12-24-91; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Customs Service

Current IRS Interest Rate Used In Calculating Interest on Overdue Accounts and Refunds

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of calculation and interest.

SUMMARY: This notice advises the public of the interest rates for overpayments and underpayments of Customs duties. The rates are 8 percent for overpayments and 9 percent for underpayments for the quarter beginning January 1, 1992. This notice is being published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Robert B. Hamilton, Jr., Revenue Branch, National Finance Center, (317) 298-1245.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less and are to fluctuate quarterly. The rates are determined during the first month of a calendar quarter and become effective for the following quarter.

The rates of interest for the period of January 1, 1992—March 31, 1992, are 8 percent for overpayments and 9 percent for underpayments. These rates will remain in effect through March 31, 1992, and are subject to change on April 1, 1992.

Dated: December 20, 1991.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 91-30827 Filed 12-24-91; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 248
Thursday, December 26, 1991

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).

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, January 7, 1992.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza SW., Washington, DC 20024.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5428A Marine Accident Report: Grounding of the U.S. Tankship STAR CONNECTICUT, Barbers Point, Hawaii, November 6, 1990.

NEWS MEDIA CONTACT: Telephone (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

December 20, 1991.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 91–30910 Filed 12–23–91; 10:27 am]

BILLING CODE 7533–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, January 6, 1992, and at 8:30 a.m. on Tuesday, January 7, 1992, in Washington, D.C. The January 6 meeting, at which the Board will consider the Postal Rate Commission's November 22, 1991, Opinion and Recommended Decision Approving Stipulation and Agreement in Docket No. MC91–2, is closed to the public. (See 56 FR 64543, December 10, 1991)

The January 7 meeting is open to the public and will be held in the Benjamin Franklin Room on the 11th floor of U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

AGENDA

Monday Session

January 6–1:00 p.m. (Closed)

1. Conservation of the Postal Rate Commission's November 22, 1991, Opinion and Recommended Decision Approving Stipulation and Agreement in Docket No. MC91–2.

Tuesday Session

January 7–8:30 a.m. (Open)

1. Minutes of the Previous Meeting, December 2–3, 1991.
2. Remarks of the Postmaster General. (Anthony M. Frank)
3. Annual Report on Open Meeting Compliance. (David F. Harris, Secretary of the Board)
4. Report on Quality Program. (David H. Charters, Senior Assistant Postmaster General, Quality)
5. Status Report on Strategic Plan. (Frank R. Power, Assistant Postmaster General, Planning Department)
6. Annual Report of the Postmaster General. (Edward E. Horgan, Jr., Associate Postmaster General)
7. Report on Human Resources Group. (Joseph J. Mahon, Jr., Senior Assistant Postmaster General, Human Resources Group)
8. Annual Report on EEO/Affirmative Action. (Donna A. Galloway, Executive Director, Office of Equal Employment Opportunity)
9. Report on Technology Resource Department. (Karen T. Uemoto, Assistant Postmaster General, Technology Resource Department)
10. Capital Investments.
    a. Small Parcel and Bundle Sorter. (William J. Dowling, Assistant Postmaster General, Engineering and Technical Support Department)
    b. Raleigh, North Carolina, GMF and VMF. (Stanley W. Smith, Assistant Postmaster General, Facilities Department, and William J. Henderson, Greensboro Field Division General Manager/Postmaster)
    c. Columbia, South Carolina, GMF and VMF. (Mr. Smith and Bill R. Austin, Columbia Field Division General Manager/Postmaster)
    d. Bangor, Maine, Mail Processing Facility. (Mr. Smith and Ray D. Stewart, Manchester, New Hampshire, Field Division General Manager/Postmaster)
    e. Norman, Oklahoma, Technical Training Center Facility Deviation Request. (Mr. Smith and Elwood A. Mosley, Assistant Postmaster General, Training and Development Department)
11. Election of Chairman and Vice Chairman.
12. Tentative Agenda for February 3–4, 1992, meeting in Miami, Florida.

David F. Harris,

Secretary.

[FR Doc. 91–30911 Filed 12–23–91; 10:28 am]

BILLING CODE 7710–12–M

federal register

Thursday
December 26, 1991

Part II

The President

Proclamation 6398—National Ellis Island Day, 1992

Legislation

Federal Register
Vol. 56, No. 248
Thursday, December 26, 1991

Presidential Documents

Title 3—

The President

Proclamation 6398 of December 23, 1991

National Ellis Island Day, 1992

By the President of the United States of America

A Proclamation

The ethnic diversity that we so proudly celebrate in the United States mirrors our rich heritage as a Nation of immigrants. "Here is not merely a Nation," wrote Walt Whitman, "but a teeming nation of nations . . . . Here is the hospitality which forever indicates heroes." One of the greatest symbols of American hospitality stands at Ellis Island in Upper New York Bay.

A century ago, on January 1, 1892, the immigrant station on Ellis Island was opened as a gateway to America. Between 1892 and 1954, nearly 17 million immigrants entered the United States through this portal. Many sought refuge from tyranny and persecution. All sought new lives in this great land of freedom and opportunity.

At Ellis Island, millions of immigrants from around the world were able to look across the Bay toward our magnificent Statue of Liberty, the famed "Mother of Exiles" who lifts her lamp "beside the golden door." During the mass wave of immigration that spanned from 1900 to 1914, they came, especially immigrants from throughout Southern and Eastern Europe. Indeed, 100 million Americans, some 40 percent of our population, can trace their ancestry through Ellis Island.

The course of immigration to this country has fluctuated throughout the history of the United States. Recent years, for example, have seen increased numbers of immigrants of Hispanic and Asian origin. But whatever their place of origin or point of entry, each generation of immigrants has bettered America.

Indeed, it is fitting that the restoration of Ellis Island has constituted the largest historic renovation project in the history of the United States. After all, immigration has been one of the largest single factors in our Nation's social, cultural, and economic development. Walt Whitman aptly noted that, in the eyes of the poet, "the other continents arrive as contributions . . . he gives them reception for their sake and for his own sake." That has always been true, for immigrants have enriched the United States beyond measure, bringing many contributions to our society along with the unique customs and traditions of their ancestral homeland. Most important, they have shared eagerly in the hard work of freedom, helping to defend the ideals of liberty and self-government and helping to build our churches, schools, factories, farms, and railroads.

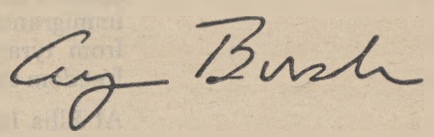
Visiting Ellis Island today or seeing pictures of this place evokes strong chords in our national memory—the relief immigrants felt upon landing, the strangeness of new surroundings, the babble of languages, the pain of separation from family and friends remaining in the Old World, the despair felt by those few who were not admitted and forced to return to their countries. Whatever our personal histories, who does not recall the pictures—a woman in a head scarf holding a wide-eyed child, a man burdened with his belongings and tools of his trade, a 45-star flag perched above a full waiting room of anxious people—and not felt a breath of recognition; a twinge of silent pain; or, most of all, a feeling of gratitude that our ancestors chose to live or remain in this, the freest, greatest country on Earth?

America's history has long been a story of immigrants, and today Ellis Island stands as a glorious reminder that new chapters are being added to that narrative each day. Thus, as we celebrate the 100th anniversary of this historic place, evocative symbol of so much of our Nation's heritage, let us not only salute the many generous contributors who made its renovation possible but also offer a warm welcome to the immigrants of today—our fellow Americans of tomorrow.

The Congress, by Public Law 102–177, has designated January 1, 1992, as "National Ellis Island Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim January 1, 1992, as National Ellis Island Day. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc. 91–31003
Filed 12–23–91; 2:16 pm]
Billing code 3195–01–M

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Note: This completes the listing of public laws enacted during the first session of the 102d Congress.

The list will be resumed when bills are enacted into public law during the second session of the 102d Congress, which convenes on January 3, 1992. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws" from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).

S. 1462/Pub. L. 102-243

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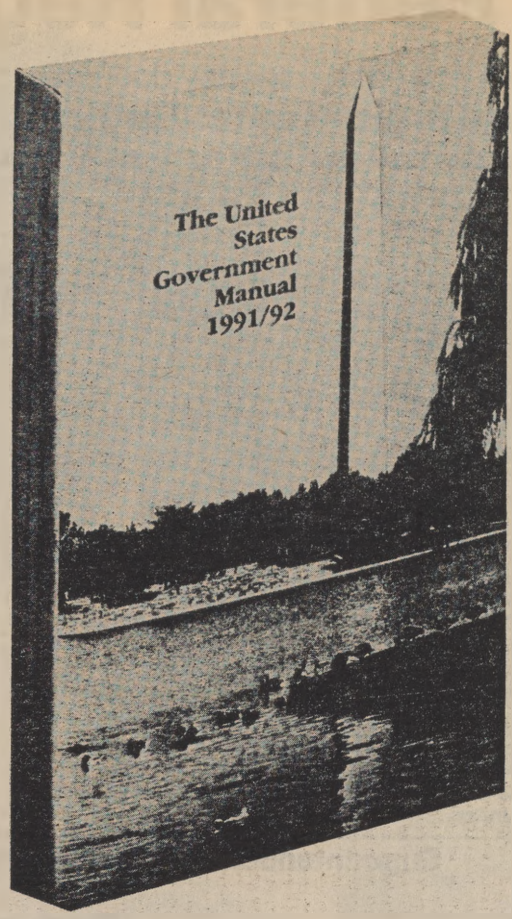
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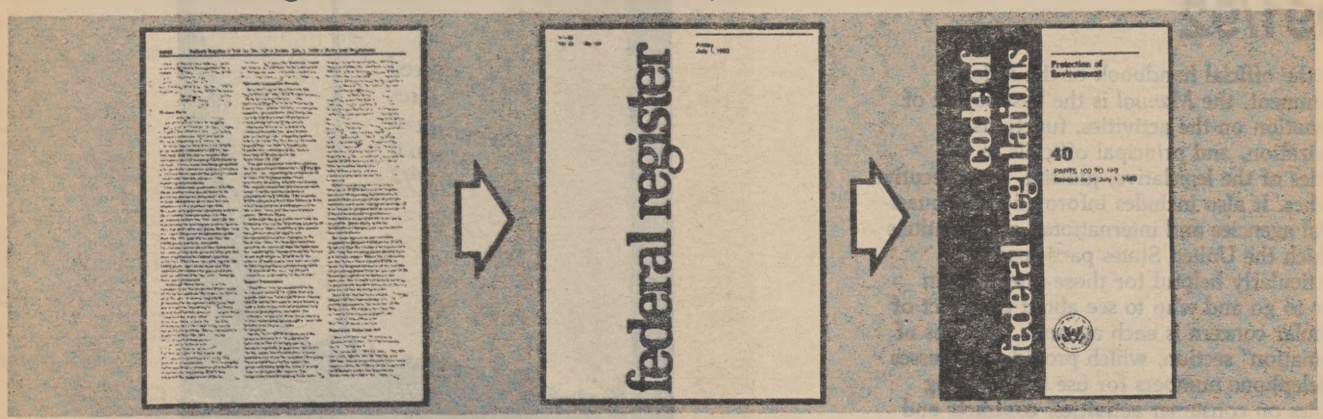
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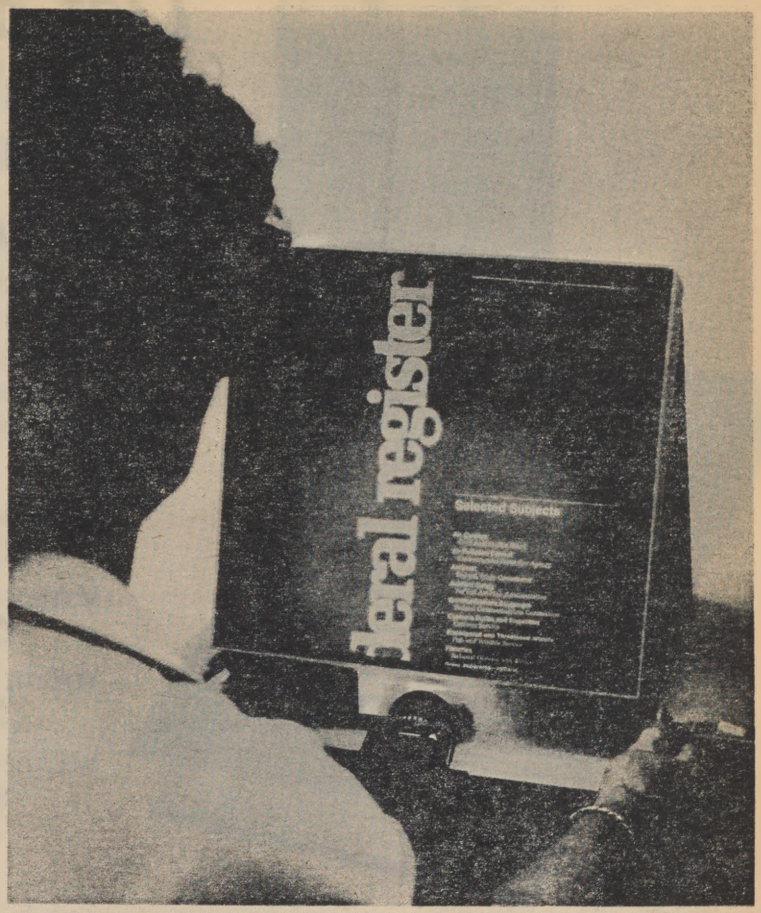
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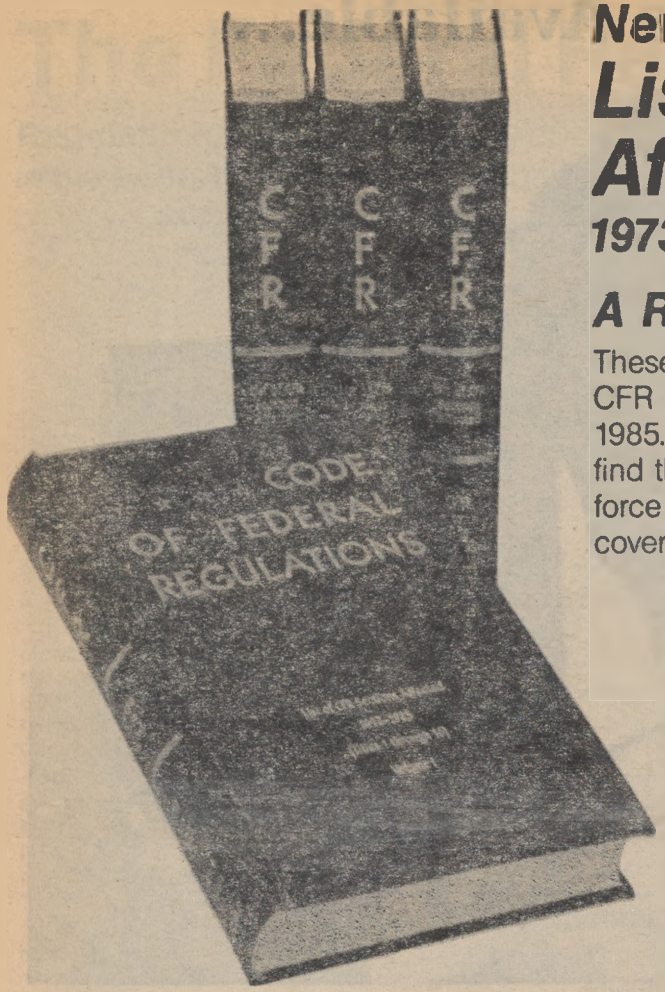
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