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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

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

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Presidential Documents

Title 3—

The President

Proclamation 6403 of February 14, 1992

American Heart Month, 1992

By the President of the United States of America

A Proclamation

Since our first annual observance of American Heart Month just over 25 years ago, our Nation has made substantial progress in the fight against cardiovascular disease. According to the American Heart Association, a not-for-profit volunteer health agency, age-adjusted death rates from heart attack declined by almost 51 percent between 1963 and 1988. During the same period, the death rate from stroke dropped even further, by close to 61 percent. Advances in both the prevention and the treatment of cardiovascular disease have saved lives.

Despite the success of related research and nationwide public awareness campaigns, diseases of the heart and blood vessels continue to claim the lives of nearly 1 million Americans each year. In fact, heart attack, stroke, and other forms of cardiovascular disease remain our Nation's number one killer.

The American Heart Association reports that more than 69 million Americans currently suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, rheumatic heart disease, and stroke. While many people mistakenly assume that heart disease occurs primarily in old age, studies show that 5 percent of all heart attacks occur in people younger than age 40, and more than 45 percent occur in people younger than age 65.

Cardiovascular disease can affect people of any age, race, or walk of life, and women as well as men. Its toll in terms of individual pain and suffering is incalculable. Its cost to our Nation, in terms of health care expenses and lost productivity, totals in the billions of dollars.

Today concerned organizations in both the public and private sectors are working to save lives and to help alleviate the wider impact of cardiovascular disease. Through the National Heart, Lung, and Blood Institute, the Federal Government has spent millions of dollars on educational programs and on research into cardiovascular disease. The American Heart Association estimates that it has invested nearly 1 billion dollars in research since it became a national voluntary health organization in the late 1940s. That investment has been made possible by the generosity of the American public and by the dedicated efforts of the Association's 3.5 million volunteers.

Thanks, in large part, to ongoing support from the Federal Government and from the American Heart Association, physicians and scientists have been able to make many important advances in cardiovascular health care. Public and private funding has also led to the development of effective educational programs, which have enabled more and more Americans to learn what they can do to avoid heart attack and stroke.

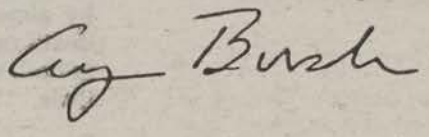
Today, for example, we know how important it is to avoid the use of tobacco products, in particular, smoking. We are especially aware of the dangers of smoking among young people. We also know that controlling one's blood pressure, maintaining a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Encouraged by the progress that we have made thus far, and recognizing the need for continued education and research, let us pause this month to strengthen and renew our commitment to the fight against cardiovascular disease. After all, the many programs and activities that are conducted during American Heart Month offers lessons for life.

The Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of February 1992 as American Heart Month. I urge all Americans to join in observing this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of February, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc. 92-3965
Filed 2-14-92; 2:01 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

Navel Oranges Grown in Arizona and Designated Part of California; Termination of Weekly Levels of Volume Regulation for the 1991–92 Season

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule terminates Navel Orange Regulation 733 (57 FR 4961), which established weekly levels of volume regulation for California-Arizona navel oranges for the 1991–92 season. This action is needed because the Department has concluded that at this time, regulation is not necessary to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: February 14, 1992.

FOR FURTHER INFORMATION CONTACT: Christian D. Nissen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2522–S P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–1754.

SUPPLEMENTARY INFORMATION: This action is issued under Marketing Order No. 907 (7 CFR part 907), as amended, regulating the handling of navel oranges grown in Arizona and a designated part of California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This final rule has been reviewed by the 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.

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

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

There are approximately 130 handlers of navel oranges who are subject to regulation under the marketing order and approximately 4,070 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of producers and handlers of California-Arizona navel oranges may be classified as small entities.

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

A proposed rule regarding the implementation of volume regulation and a proposed shipping schedule for California-Arizona navel oranges for the 1991–92 season was published in the September 30, 1991, issue of the **Federal Register** (56 FR 49432). That rule provided interested persons the opportunity to comment until October 30, 1991, on the need for regulation during the 1991–92 season, the proposed shipping schedule, and other factors relevant to the implementation of such regulations. A final rule (navel orange Regulation 733) concerning this action was published in the **Federal Register** on February 7, 1992, (57 FR 4691), implementing the shipping schedule, as revised, for the season.

The Navel Orange Administrative Committee (Committee) met on February 11, 1992, in Newhall, California, with 11 members or alternates present, to consider an amendment to navel orange Regulation 733, and recommended, with six members in favor, four opposing, and one abstaining, decreasing the total allotment for all districts from 1,750,000 cartons to 1,300,000 cartons for the week ending on February 20, 1992. The Committee recommended an allotment of 1,300,000 cartons for District 1 for that week and open movement for District 2. Districts 3 and 4 are not regulated since approximately 89 percent of District 3's crop, and 100 percent of District 4's crop to date have been utilized, and handlers would not be able to utilize their allotments.

The Department has reviewed the Committee's recommendation in light of its projections set forth in its 1991–92 marketing policy, information provided at the meeting, and as previously established in Navel Orange Regulation 733. Based on this review, the Department has concluded that at this time, regulation is not necessary to effectuate the declared policy of the Act. Thus, this action terminates Navel Orange Regulation 733. The Department will continue to monitor crop and market conditions for the remainder of the season.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the continued implementation of Navel Orange Regulation 733, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

Moreover, pursuant to 5 U.S.C. 553, it is found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice on this action, engage in further public procedure with respect

to this amendment and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**. This is because this action relieves volume restrictions on handlers for the remainder of the 1991–92 season.

In addition, information needed for the formulation of the basis for this action was not available until February 12, 1992. Further, interested persons were given an opportunity to submit information and views on this action at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this action effective as specified.

List of Subjects in 7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

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

PART 907—[AMENDED]

1. The authority citation for 7 CFR part 907 continues to read as follows:

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

§ 907.1033 [Removed]

2. Section 907.1033 (Navel Orange Regulation 733) is removed.

Dated: February 13, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–3903 Filed 2–14–92; 10:44 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–NM–168–AD; Amendment 39–8149; AD 92–02–13]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which requires installation of a decompression panel and flapper valve in the aft lower lobe at station 1920. This amendment is prompted by one operator's report that the decompression panel and flapper valve were not installed on some of its airplanes. This condition, if not corrected, could result in an uncontrollable fire in the aft lower lobe, if a fire breaks out in that compartment.

DATES: Effective March 25, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 25, 1992.

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

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth W. Frey, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM–130S; telephone (206) 227–2673. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue S.W., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Boeing Model 747 series airplanes, was published in the **Federal Register** on September 30, 1991 (56 FR 49438). That action proposed to require installation of a decompression panel and flapper valve in the aft lower lobe at station 1920.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Both commenters supported the proposed AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 14 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 4 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor cost will be $55 per work hour. The estimated cost of required parts is $346 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,144.

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

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—[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 adding the following new airworthiness directive:

92–02–13. Boeing: Amendment 39–8149. Docket No. 91–NM–168–AD.

Applicability: Model 747 series airplanes; as listed in Boeing Alert Service Bulletin 747–21A2312, and in Boeing Service Bulletin 747–21–2317, both dated May 30, 1991, certificated in any category.

Compliance: Required within the next 60 days after the effective date of this AD, unless previously accomplished.

To reduce the potential for an uncontrollable fire in the aft lower lobe compartment, accomplish the following:

(a) Install a decompression panel and flapper valve in accordance with Boeing Alert Service Bulletin 747–21A2312 or Boeing Service Bulletin 747–21–2317, both dated May 30, 1991, as applicable.

(b) An alternative method of compliance or adjustment of the compliance time, which

provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) 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.

(d) The installation required by this AD shall be done in accordance with Boeing Alert Service Bulletin 747-21A2312, dated May 30, 1991; or Boeing Service Bulletin 747-21-2317, dated May 30, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment (39-8149), AD 92-02-13, becomes effective March 25, 1992.

Issued in Renton, Washington, on December 30, 1991.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-3859 Filed 2-18-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

Notification of Approval of Reporting Requirement

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notification of OMB approval of reporting requirement and assignment of OMB control number for 14 CFR 91.875.

SUMMARY: This document serves as notification of OMB approval of the reporting requirements of 14 CFR 91.875 and assignment of an OMB control number.

EFFECTIVE DATE: November 6, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Laurette Fisher, Policy and Regulatory Division (AEE-300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3561.

SUPPLEMENTARY INFORMATION: On September 25, 1991, the Federal Aviation Administration amended part 91 of the Federal Aviation Regulations to add the rules governing the transition to an all Stage 3 fleet operating in the 48 contiguous United States and the District of Columbia (56 FR 48628, September 25, 1991). Section 91.875, adopted in that amendment, contains a reporting requirement that required the approval of the Office of Management and Budget (OMB).

The reporting requirements of § 91.875 were approved by OMB on November 6, 1991, and have been assigned OMB Control Number 2120-0553.

Issued in Washington, DC, on February 13, 1992.

Donald P. Byrne,

Assistant Chief Counsel for Regulations and Enforcement.

[FR Doc. 92-3857 Filed 2-13-92; 2:41 pm]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 26761; Amdt. No. 1477]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends,

or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the US Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC on January 31, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC Transmittal Letter

Effective	State	City	Airport	FDC No.	SIAP
01/06/92	AR	West Memphis	West Memphis	FDC 2/0369	NDB Rwy 17 Amdt 8A.
01/15/92	SC	Charleston	Charleston Executive	FDC 2/0244	RNAV Rwy 9, Amdt 5.
01/16/92	TN	McMinnville	Warren County Memorial	FDC 2/0267	NDB Rwy 23 Orig.
01/16/92	TN	McMinnville	Warren County Memorial	FDC 2/0274	LOC Rwy 23 Orig.
01/21/92	PA	Coatesville	Chester County G.O. Carlson	FDC 2/0332	ILS Rwy 29 Amdt 5.
01/21/92	TN	Memphis	Memphis International	FDC 2/0343	ILS Rwy 27 Amdt 1.
01/21/92	TN	Memphis	Memphis International	FDC 2/0344	ILS Rwy 18L Amdt 7.
01/21/92	TN	Memphis	Memphis International	FDC 2/0346	VOR Rwy 27 Amdt 1.
01/22/92	AR	Batesville	Batesville Regional	FDC 2/0371	NDB Rwy 7 Amdt 5.
01/22/92	AR	Carlisle	Carlisle Muni	FDC 2/0376	VOR/DME Rwy 9 Orig.
01/22/92	AR	Crossett	Crossett Muni	FDC 2/0364	NDB 23 Amdt 4.
01/22/92	AR	Crossett	Crossett Muni	FDC 2/0368	RNAV Rwy 23 Amdt 4.
01/22/92	AR	Crossett	Crossett Muni	FDC 2/0373	VOR/DME-A Orig.
01/22/92	AR	Fayetteville	Drake Field	FDC 2/0363	LOC Rwy 16 Amdt 14.
01/22/92	AR	Jonesboro	Jonesboro Muni	FDC 2/0387	VOR Rwy 23 Amdt 7A.
01/22/92	AR	Mena	Mena Intermountain Muni	FDC 2/0366	NDB-B Amdt 5.
01/22/92	AR	Mena	Mena Intermountain Muni	FDC 2/0374	VOR/DME-A Amdt 7.
01/22/92	AR	Siloam Springs	Smith Field	FDC 2/0372	RNAV Rwy 18 Orig.
01/22/92	TN	Memphis	Memphis Intl	FDC 2/0357	NDB Rwy 9 Amdt 25.
01/22/92	TN	Memphis	Memphis Intl	FDC 2/0358	ILS Rwy 9 Amdt 24.
01/27/92	AR	Paragould	Kirk Field	FDC 2/0457	NDB Rwy 04 Amdt 3.
01/28/92	IA	Chariton	Chariton Muni	FDC 2/0501	VOR Rwy 17 Orig.
01/28/92	IA	Forest City	Forest City Muni	FDC 2/0503	VOR/DME-A Amdt 2A.
01/28/92	IA	Spencer	Spencer Muni	FDC 2/0500	NDB Rwy 30 Amdt 7.
01/28/92	NY	Palmyra	Palmyra	FDC 2/0495	VOR-A Orig.
01/29/92	IA	Chariton	Chariton Muni	FDC 2/0502	NDB Rwy 17 Amdt 2.
01/29/92	IA	Forest City	Forest City Muni	FDC 2/0504	NDB Rwy 33 Orig. A.
01/29/92	IA	Forest City	Forest City Muni	FDC 2/0505	RNAV Rwy 33 Orig.
12/06/91	MN	International Falls	Falls Intl	FDC 1/6112	VOR/DME Or TACAN Rwy 31 Amdt 3. *This corrects NOTAM IN TL 91-1*
12/17/91	TN	Humboldt	Humboldt Muni	FDC 1/6320	VOR/DME-A Amdt 4.

NFDC TRANSMITTER LETTER—Continued

Effective	State	City	Airport	FDC No.	SIAP
12/26/91	AR	Paragould	Kirk Field	FDC 1/6441	VOR Rwy 4 Amdt 2. *This corrects TL 92-2.*

NFDC Transmittal Letter Attachment

Paragould

Kirkfield
Arkansas
VOR RWY 4 AMDT 2. . .
Effective: 12/26/91
This Corrects TL 92–2
FDS 1/6441/PGR/FI/P Kirk Field, Paragould, AR. VOR RWY 4 AMDT 2. . . Change Feeder Route from ARG vortac to JBR VOR/DME—Course and distance 124/22.7 NM, ALT 2500 FT. This becomes VOR RWY 4 AMDT 2A.

Fayetteville

Drake Field
Arkansas
LOC RWY 16 AMDT 14. . .
Effective: 01/22/92
FDC 2/0363/FYV/FI/P Drake Field, Fayetteville, AR. LOC RWY 16 AMDT 14 . . . S1–16 VIS 1 MI CATS A/B. INOP table does not apply cats A/B/C. This becomes LOC RWY 16 AMDT 14 A.

Crossett

Crossett Muni
Arkansas
NDB RWY 23 AMDT 4. . .
Effective: 01/22/92
FDC 2/0364/CRT/FI/P Crossett Muni, Crossett, AR. NDB RWY 23 AMDT 4. . . MSA CRT 270–180 2500, 180–270 3200. This becomes NDB RWY 23 AMDT 4 A.

Mena

Mena Intermountain Muni
Arkansas
NDB–B AMDT 5. . .
Effective: 01/22/92
FDC 2/0366/M39 FI/P Mena Intermountain Muni, Mena, AR. NDB–B AMDT 5. . . Change note to read "If LCL ALSTG not received use Fort Smith ALSTG". This becomes NDB–B AMDT 5 A.

Crossett

Crossett Muni
Arkansas
RNAV RWY 23 ORIG. . .
Effective: 01/22/92
FDC 2/0368/CRT/FI/P Crossett Muni, Crossett, AR. RNAV RWY 23 ORIG. . . SI/circling MDA/HAT(HAA) all cats 800/617(617), VIS CAT C 1 3/4. This becomes RNAV RWY 23 ORIG A.

West Memphis

West Memphis Muni
Arkansas
NDB RWY 17 AMDT 8A. . .
Effective: 01/06/92
FDC 2/0369/AWM/ FI/P West Memphis Muni, West Memphis, AR. NDB RWY 17 AMDT 8A. . . SI–17/ circling MDA/HAT(HAA) all cats 760/ 548(548). This becomes NDB RWY 17 AMDT 8B.

Batesville

Batesville Regional
Arkansas
NDB RWY 7 AMDT 5. . .
Effective: 01/22/92
FDC 2/0371/BVX/ FI/P Batesville Regional, Batesville, AR. NDB RWY 7 AMDT 5. . . Change note to read "if LCL ALSTG not received, use Little Rock ALSTG and increase all MDAS 300 ft, and for BAIKS FM MINS, increase vis 1 mi all cats. INOP table does not apply. Circling NA NW of RWYS 7/25". Baiks FM stepdown alt 1660 ft, 1960 when using Little Rock ALSTG. SI–7/circling all cats MDA/HAT(HAA) 1660/1197/ (1196). BIAKS FM MIN SI–7 ALL CATS MDA/HAT 1000/537, VIS CAT C 1 1/2, D 1 3/4. Circling MDA/HAA cats A/B/C 1000/536 vis 1 ½, D 1020/556 2. This becomes NDB RWY 7 AMDT 5A.

Siloam Springs

Smith Field
Arkansas
RNAV RWY 18 ORIG. . .
Effective: 01/22/92
FDC 2/0372/SLG/ FI/P Smith Field, Siloam Springs, AR. RNAV RWY 18 ORIG. . . Change note to read "if LCL ALSTG not received, use Fayetteville ALSTG" This becomes RNAV RWY 18 ORIG A.

Crossett

Crossett Muni
Arkansas
VOR/DME–A ORIG...
Effective: 01/22/92
FDC 2/0373/CRT/FI/P Crossett Muni, Crossett, AR. VOR/DME–A ORIG...MDA/HAT all cats 800/617, cat C VIS 1 ¾. This becomes VOR/DME–A ORIG A.

Mena

Mena Intermountain Muni
Arkansas
VOR/DME–A AMDT 7...
Effective: 01/22/92
FDC 2/0374/M39/FI/P Mena Intermountain Muni, Mena, AR. VOR/ DME–A AMDT 7...Change note to read "if LCL ALSTG not received use Fort Smith ALSTG". This becomes VOR/ DME–A AMDT 7 A.

Carlisle

Carlisle Muni
Arkansas
VOR/DME RWY 9 ORIG...
Effective: 01/22/92
FDC 2/0376/4M3/FI/P Carlisle Muni, Carlisle, AR. VOR/DME RWY 9 ORIG... SI/circling MDA/HAT (HAA) cats A/B 1100/859(860). This becomes VOR/DME RWY 9 ORIG A.

Jonesboro

JONESBORO MUNI
Arkansas
VOR/RWY 23 AMDT 7A...
Effective: 01/22/92
FDC 2/0387/JBR/FI/P Jonesboro Muni, Jonesboro, AR. VOR RWY 23 AMDT 7A... SI–23 MDA/HAT all cats 680/422. This becomes VOR/RWY 23 AMDT 7B.

Paragould

Kirk Field
Arkansas
NDB/RWY 04 AMDT 3...
Effective: 01/27/92
FDC 2/0457/PGR/FI/P Kirk Field, Paragould, AR. NDB RWY 04 AMDT 3...Change PROC TURN ALT to 2500. Change Missed apch to read... Climb to 2500 then LT direct PZX NDB and hold. Change feeder ALT from ARG VORTAC/JBR VOR/DME TO PZX NDB... ALT 2500. This becomes NDB/ RWY 4 AMDT 3A.

Spencer

Spencer Muni
Iowa
NDB/RWY 30 AMDT 7...
Effective: 01/28/92
FDC 2/0500/SPW/FI/P Spencer Muni, Spencer, IA. NDB RWY 30 AMDT 7... Little Sioux/LTU NDB MIN ALT 2300. Delete note... Obtain LCL ALSTG... THRU...CTAF. Add note... Obtain LCL ALSTG on CTAF; when not received, except for operators with approved weather reporting service, use Fort Dodge ALSTG. If neither received proc NA. This becomes NDB/RWY 30 AMDT 7A.

Chariton

Chariton Muni
Iowa
VOR/RWY 17 ORIG...
Effective: 01/28/92
FDC 2/0501/CNC/FI/P Chariton Muni, Chariton, IA. VOR RWY 17 ORIG... MSA from DSM VORTAC 090–270 2800. Cancel TRML RTES DSM R–079, R–189 17 DME ARC to JAMIS. Delete note... Activate MIRL RWY 17/35 CTAF. This becomes VOR/RWY 17 ORIG–A.

Chariton

Chariton Muni
Iowa
NDB/RWY 17 AMDT 2...
Effective: 01/29/92
FDC 2/0502/CNC/FI/P Chariton Muni, Chariton, IA. NDB RWY 17 AMDT 2... MSA from CNC NDB 2800. Delete note... Activate MIRL RWY 17/35 CTAF. This becomes NDB/RWY 17 AMDT 2A.

Forest City

Forest City Muni
Iowa
VOR/DME–A AMDT 2A...
Effective: 01/28/92
FDC 2/0503/FXY/FI/P Forest City Muni, Forest City, IA. VOR/DME–A AMDT 2A...Add note... Circling to RWY 27 NA at night. This becomes VOR/DME–A AMDT 2B.

Forest City

Forest City Muni
Iowa
NDB/RWY 33 ORIG A...
Effective: 01/29/92
FDC 2/0504/FXY/FI/P Forest City Muni, Forest City, IA. NDB RWY 33 ORIG A...Add note... Circling to RWY 27 NA at night. This becomes NDB/RWY 33 ORIG B.

Forest City

Forest City Muni
Iowa
RNAV/RWY 33 ORIG...
Effective: 01/29/92
FDC 2/0505/FXY/FI/P Forest City Muni, Forest City, IA. RNAV RWY 33 ORIG ...Add note... Circling to RWY 27 NA at night. Delete note...Activate MIRL...Thru...CTAF. This becomes RNAV/RWY 33 ORIG A.

International Falls

Falls Intl
Minnesota
VOR/DME OR TACAN RWY 31 AMDT 3...
Effective: 12/06/91
This corrects NOTAM IN TL 91–1...
FDC 1/6112/INL/FI/P Falls Intl, International Falls, MN. VOR/DME or TACAN RWY 31 AMDT 3...Delete notes, "Contact HIB FSS 123.6 for MALSR RWY 31. Activate HIRL RWY 13–31 and REIL RWY 13–122.8." This is VOR/DME or TACAN RWY 31 AMDT 3A.

Palmyra

Palmyra
New York
VOR–A ORIG...
Effective: 01/28/92
FDC 2/0495/6G3/ FI/P Palmyra, Palmyra, NY. VOR–A ORIG...Delete GEE 26.3 at map. This becomes VOR–A ORIG A.

Coatesville

Chester County G.O. Carlson
Pennsylvania
ILS RWY 29 AMDT 5...
Effective: 01/21/92
FDC 2/0332/40N/ FI/P Chester County G.O. Carlson, Coatesville, PA. ILS RWY 29 AMDT 5...Delete MM and DSTC MM to THR. This becomes ILS RWY 29 AMDT 5A.

Charleston

Charleston Executive
South Carolina
RNAV RWY 9, AMDT 5...
Effective: 01/15/92
FDC 2/0244/JZI/ FI/P Charleston Executive, Charleston, SC. RNAV RWY 9, AMDT 5...Min alt at 2 NM from map WPT 600. This becomes RNAV RWY 9 AMDT 5A.

Humboldt

Humboldt Muni
Tennessee
VOR/DME–A AMDT 4...
Effective: 12/17/91
FDC 1/6320/M52/ FI/P Humboldt Muni, Humboldt, TN. VOR/DME–A AMDT 4...Increase MSA to 2500 ft. This becomes VOR/DME–A AMDT 4A.

McMinnville

Warren County Memorial
Tennessee
NDB RWY 23 ORIG...
Effective: 01/16/92
FDC 2/0267/RNC/ FI/P Warren County Memorial, McMinnville TN. NDB RWY 23 ORIG...Delete LCL ALSTG MINS. Change note to read, "use Crossville ALSTG." This becomes NDB RWY 23 ORIG A.

McMinnville

Warren County Memorial
Tennessee
LOC RWY 23 ORIG...
Effective: 01/16/92
FDC 2/0274/RNC/ FI/P Warren County Memorial, McMinnville, TN. LOC RWY 23 ORIG...Delete LCL ALSTG MINS. Change note to read, "use Crossville ALSTG." ADF required. This becomes LOC RWY 23 ORIG A.

Memphis

Memphis International
Tennessee
ILS RWY 27 AMDT 1...
Effective: 01/21/92
FDC 2/0343/MEM/ FI/P Memphis International, Memphis, TN. ILS RWY 27 AMDT 1...MSA MEM VORTAC 315–135 2500...135–315 2000. This becomes ILS RWY 27 AMDT 1A.

Memphis

Memphis International
Tennessee
ILS RWY 18L AMDT 7...
Effective: 01/21/92
FDC 2/0344/MEM/ FI/P Memphis International, Memphis, TN. ILS RWY 18L AMDT 7...MSA MEM VORTAC 315–135 2500...135–315 2000. This becomes ILS RWY 18L AMDT 7A.

Memphis

Memphis International
Tennessee
VOR RWY 27 AMDT 1...
Effective: 01/21/92
FDC 2/0346/MEM/ FI/P Memphis International, Memphis Int'l, Memphis, TN. VOR RWY 27 AMDT 1...MSA MEM VORTAC 315–135 2500...135–315 2000. This becomes VOR RWY 27 AMDT 1A.

Memphis

Memphis Intl
Tennessee
NDB RWY 9 AMDT 25...
Effective: 01/22/92
FDC 2/0357/MEM/ FI/P Memphis Int'l, Memphis, TN. NDB RWY 9 AMDT 25...MSA ME LOM 315–135 2500...135–315 2000. This becomes NDB RWY 9 AMDT 25A.

Memphis

Memphis Intl
Tennessee
ILS RWY 9 AMDT 24...
Effective: 01/22/92
FDC 2/0358/MEM/ FI/P Memphis International, Memphis, TN. ILS RWY 9 AMDT 24...MSA ME LOM 315–135 2500...135–315 2000. This becomes ILS RWY 9 AMDT 24A.

[FR Doc. 92–3810 Filed 2–18–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 26762; Amdt. No. 1478]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC on January 31, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective April 30, 1992*

Springdale, AR—Springdale Muni, VOR RWY 18, Amdt. 12

Springdale, AR—Springdale Muni, VOR/DME RWY 36, Amdt. 6

Springdale, AR—Springdale Muni, ILS RWY 18, Amdt. 3
Camarillo, CA—Camarillo, VOR RWY 26, Amdt. 3
Belleville, KS—Belleville Muni, VOR/DME-, Amdt. 2
Belleville, KS—Belleville Muni, NDB RWY 18, Amdt. 4
Belleville, KS—Belleville Muni, NDB RWY 36, Amdt. 4
Russellville, KY—Russellville-Logan County, VOR/DME RWY 24, Amdt. 5
Hammond, LA—Hammond Muni, VOR RWY 18 Amdt. 2
Hammond, LA—Hammond Muni, VOR RWY 31, Amdt. 3
Hammond, LA—Hammond Muni, NDB RWY 18, Amdt. 2
Hammond, LA—Hammond Muni, ILS RWY 18, Amdt. 2
Marksville, LA—Marksville Municipal, VOR/DME-A, Amdt. 2
Easton, MD—Easton Muni, NDB RWY 22, Amdt. 8
Kaiser/Lake Ozark, MO—Lee C. Fine Memorial, LOC/DME RWY 21, Amdt. 1
Nevada, MO—Nevada Muni, VOR/DME-A, Amdt. 1
Nevada, MO—Nevada Muni, NDB RWY 20, Amdt. 2
Nevada, MO—Nevada Muni, VOR/DME RNAV RWY 20, Amdt. 1
Anaconda, MT—Anaconda, VOR/DME-A, Amdt. 1
Omaha, NE—Millard, VOR/DME RNAV RWY 12, Amdt. 6
Watonga, OK—Watonga, VOR/DME-A, Amdt. 2
Watonga, OK—Watonga, NDB RWY 17, Orig.
Coleman, TX—Coleman Muni, NDB RWY 15, Amdt. 1
Clarksburg, WV—Benedum, VOR RWY 3, Amdt. 14
Clarksburg, WV—Benedum, ILS RWY 21, Amdt. 12

** * * Effective March 5, 1992*

Emmonak, AK—Emmonak, VOR RWY 16, Orig.
Emmonak, AK—Emmonak, VOR RWY 34, Orig.
Nome, AK—Nome, VOR/DME RWY 9, Amdt. 4, CANCELLED
Nome, AK—Nome, VOR RWY 27, Amdt. 11, CANCELLED
Nome, AK—Nome, NDB RWY 27, Amdt. 3, CANCELLED
Angola, IN—Tri-State Steuben County, NDB RWY 5, Amdt. 6
Fort Wayne, IN—Fort Wayne Muni (Baer Field), NDB RWY 32, Amdt. 24
Fort Wayne, IN—Fort Wayne Muni (Baer Field), ILS RWY 32, Amdt. 27
Goshen, IN—Goshen Muni, VOR RWY 27, Amdt. 5
Goshen, IN—Goshen Muni, ILS/DME RWY 27, Amdt. 1
Huntingburg, IN—Huntingburg, VOR RWY 9, Amdt. 2
Huntingburg, IN—Huntingburg, VOR RWY 27, Amdt. 2
Huntingburg, IN—Huntingburg, NDB RWY 27, Amdt. 2
Seymour, IN—Freeman Muni, LOC RWY 5, Amdt. 2
Seymour, IN—Freeman Muni, NDB RWY 5, Amdt. 2
Terre Haute, IN—Hulman Regional, VOR RWY 23, Amdt. 19
Terre Haute, IN—Hulman Regional, VOR/DME RWY 5, Amdt. 16
Terre Haute, IN—Hulman Regional, LOC BC RWY 23, Amdt. 18
Terre Haute, IN—Hulman Regional, NDB RWY 5, Amdt. 18
Terre Haute, IN—Hulman Regional, ILS RWY 5, Amdt. 22
Terre Haute, IN—Hulman Regional, RADAR-1 Amdt. 3
Estherville, IA—Estherville Muni, VOR RWY 16, Amdt. 4
Estherville, IA—Estherville Muni, VOR RWY 34, Amdt. 6
Eureka, KS—Eureka Muni, VOR/DME RWY 18, Amdt. 1
Lake Charles, LA—Lake Charles Regional, VOR-A, Amdt. 13
Bellaire, MI—Antrim County, VOR RWY 2, Amdt. 2
Bellaire, MI—Antrim County, NDB RWY 2, Amdt. 2
Benton Harbor, MI—Ross Field-Twin Cities, VOR RWY 27, Amdt. 18
Charlotte, MI—Fitch H. Beach, VOR RWY 20, Amdt. 9
Harbor Springs, MI—Harbor Springs, VOR-A, Amdt. 1
Sparta, MI—Sparta, VOR/DME RNAV RWY 24, Amdt. 2
Ramsey, MN—Gateway North Industrial, VOR RWY 34, Orig., CANCELLED
Two Harbors, MN—Two Harbors Municipal, NDB RWY 24, Orig.
Warroad, MN—Warroad Intel-Swede Carlson Field, NDB RWY 31, Amdt. 6
Warroad, MN—Warroad Intl-Swede Carlson Field, VOR/DME RNAV RWY 31, Amdt. 2
Wapakoneta, OH—Neil Armstong, VOR-A, Amdt. 5
Wapakoneta, OH—Neil Armstrong, VOR/DME RNAV RWY 26, Amdt. 3
Pierre, SD—Pierre Muni, VOR/DME or TACAN RWY 7, Amdt. 4
Pierre, SD—Pierre Muni, VOR/DME or TACAN RWY 25, Amdt. 16
Pierre, SD—Pierre Muni, ILS RWY 31, Amdt. 9
Laredo, TX—Laredo Intl, VOR or TACAN RWY 32, Amdt. 9
Sturgeon Bay, WI—Door County Cherryland, SDF RWY 1, Amdt. 5
Sturgeon Bay, WI—Door County Cherryland, NDB RWY 1, Amdt. 9

** * * Effective January 28, 1992*

Port Clinton, OH—Carl R Keller Field, NDB RWY 27, Amdt. 9

[FR Doc. 92-3811 Filed 2-18-92; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8389]
RIN 1545-AP72

Taxation of Fringe Benefits and Exclusions From Gross Income of Certain Fringe Benefits; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations (T.D. 8389), which were published Thursday, January 16, 1992, [57 FR 1868]. The regulations contain final amendments of two provisions of the fringe benefit regulations concerning the taxation and valuation of fringe benefits and exclusion from gross income for certain fringe benefits.

EFFECTIVE DATE: January 16, 1992.

FOR FURTHER INFORMATION CONTACT: Marianna Dyson at 202-377-9372, not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections contain final amendments to the fringe benefit regulations under sections 61 and 132 of the Internal Revenue Code of 1986 (Code).

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (T.D. 8389), which was the subject of FR Doc. 91-1116, is corrected as follows:

Paragraph 1. On page 1869, column 1, fifth line from bottom of the second full paragraph, the language "employees earning $121,070, or more. For" is corrected to read "employee earning $121,070, or more. For".

Par. 2. On page 1869, column 3, under the heading "Alternative Transportation: Walking or Using Public Transportation", third paragraph, line 15, the language "alternative mode of transportation" is corrected to read "alternative modes of transportation."

Par. 3. On page 1872, column 1, in § 1.132-6, paragraph (d)(1), line 1, the language "similar instruments that is exchangeable" is corrected to read

"similar instrument that is exchangeable".

Cynthia E. Grigsby,

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

[FR Doc. 92-3766 Filed 2-18-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

Texas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of proposed amendment.

SUMMARY: OSM is announcing its decision to approve a proposed amendment to the Texas permanent regulatory program (hereinafter, the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to Texas' self-bonding regulations. The amendment is intended to provide additional safeguards and improve operational efficiency.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Telephone (918) 581-6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program, can be found in the February 27, 1980, **Federal Register** (45 FR 12998). Subsequent actions concerning the Texas program and program amendments are codified at 30 CFR 943.15 and 943.16.

II. Proposed Amendment

By letter dated June 24, 1991 (Administrative Record No. TX-493), Texas submitted a proposed amendment to its program under SMCRA. Texas submitted the proposed amendment on its own initiative. Texas proposed to amend Texas Coal Mining Regulation (TCMR) 806.309(j), concerning self-bonding.

OSM announced receipt of the proposed amendment in the July 9, 1991, **Federal Register** (56 FR 31094) and in the same notice opened the public comment period and offered to hold a public hearing on the adequacy of the proposed amendment (Administrative Record No. TX-498). Mr. Hayward Rigano, a representative of Titus County Citizens An Endangered Species, Inc., requested an opportunity to testify at a public hearing. Because there was only one request, OSM held a public meeting rather than a hearing in Austin, Texas, on August 5, 1991. OSM entered a summary of the public meeting into the administrative record (Administrative Record Nos. TX-502 and TX-521). The public comment period closed on August 8, 1991.

During its review of the amendment, OSM identified concerns relating to TCMR 806.309(j)(1)(H), definition of "SIC code"; TCMR 806.309(j)(2), requirements for business and governmental entities; and TCMR 806.309(j)(2)(C), financial information requirements. OSM notified Texas of the concerns by letter dated September 16, 1991 (Administrative Record No. TX-506). Texas responded in a letter dated October 8, 1991, by submitting a revised amendment (Administrative Record No. TX-505). The regulations that Texas proposed to revise were TCMR 806.309(j)(1)(H), definition of "SIC code"; TCMR 806.309(j)(2), requirements for business and governmental entities; and TCMR 806.309(j)(3)(C), financial information requirements.

OSM published a notice in the October 29, 1991, **Federal Register** (56 FR 55843) reopening the comment period on the proposed amendment. OSM did so to provide the public the opportunity to reconsider the adequacy of the proposed amendment (Administrative Record No. TX-509). The reopened comment period ended on November 13, 1991.

III. Director's Findings

After a thorough review, pursuant to SMCRA, 30 U.S.C. 1201-1328, and the Federal regulations at 30 CFR 732.15 and 732.17, the Director finds that the proposed amendment as submitted by Texas on June 24, 1991, and as revised by it on October 8, 1991, is no less stringent than SMCRA and no less effective than the corresponding Federal regulations.

1. Substantive Revisions to Texas' Program That Are Substantively Identical to the Corresponding Federal Regulations

Texas proposed revisions to the following regulations that are substantive in nature and contain language that is substantively identical to the corresponding Federal regulations (listed in parentheses):

TCMR 806.309(j)(1)(I) (30 CFR 800.23(a)), definition of "tangible net worth;" TCMR 806.309(j)(2)(C)(iii) (30 CFR 800.23(b)(3)(iii)), financial criteria; TCMR 806.309(j)(7) (30 CFR 800.23(f)), current financial information; and TCMR 806.309(j)(8) (30 CFR 800.23(g)), substitute bonding.

Because the proposed revisions to these Texas regulations are substantively identical to the corresponding Federal regulations, the Director finds that these proposed Texas regulations are no less effective than the corresponding Federal regulations. Therefore, the Director approves these proposed regulations.

2. TCMR 806.309(j)(1)(H), Definition of "SIC Code"

Texas proposed at TCMR 806.309(j)(1)(H) to define "SIC code" to mean:

> The standard industrial classification used by Dun and Bradstreet Corporation to identify various industry groups such as electric utility companies. Data identified by SIC code is to be the current data for the last annual period compiled and reported by Dun and Bradstreet Corporation.

The SIC code is an index devised to categorize and identify businesses according to the specific lines of business activity being conducted. Texas uses "SIC code" at proposed TCMR 806(j)(2)(C)(iv) to identify specific financial information that a self-bonding applicant must provide to the Railroad Commission of Texas (the Commission).

The Federal regulations at 30 CFR chapter VII, including the corresponding Federal self-bonding regulations at 30 CFR 800.23, do not define or use the term "SIC code." The Director finds that Texas' proposed definition of "SIC code" at TCMR 806.309(j)(1)(H) is not inconsistent with the Federal self-bonding regulations at 30 CFR part 800 or with Section 509(c) of SMCRA. Therefore, the Director approves this definition.

3. TCMR 806.309(j)(2) and (j)(2)(B), Requirements for Business and Governmental Entities

Texas proposed to revise existing TCMR 806.309(j)(2) by (1) adding the words "or governmental," so that the regulation reads "(t)he Commission may accept a self-bond from an applicant that is a business *or governmental entity* if all the following conditions are met * * *" (emphasis added), and (2) deleting the references to "business entity" from existing TCMR 806.309(j)(2)(B) and (B)(ii). The proposed revisions would then require any self-bonding applicant, whether a business

entity or a governmental entity, to meet all of the regulatory requirements for eligibility to self-bond found at TCMR 806.309(j)(2), including the continuous operation requirements at TCMR 806.309(j)(2)(B).

The Federal regulations at 30 CFR 800.23 provide that the regulatory authority may accept a self-bond from an applicant for a permit to conduct surface coal mining and reclamation operations if the applicant meets all of the conditions specified at 30 CFR 800.23(b)(1) through (4). The Federal regulations refer only to an "applicant" and do not specify, as Texas proposes, that an applicant is a governmental or business entity. Because all applicants, whether they are governmental or business entities, must meet the specified conditions which are substantively identical to the Federal requirements at 30 CFR 800.23(b) and (b)(2), the Director finds that Texas' proposed regulations at TCMR 806.309(j)(2) and (j)(2)(B) are no less effective than the corresponding Federal regulations at 30 CFR 800.23(b) and (b)(2) and approves them.

4. TCMR 806.309(j)(2)(C)(iv), Alternate Eligibility Criteria

The Texas regulations at TCMR 806.309(j)(2) set forth four conditions that an applicant must meet in order to be eligible to self-bond. The condition at TCMR 806.309(j)(2)(C) requires an applicant to submit information that demonstrates the applicant's financial strength and solvency. Texas proposed, at TCMR 806.309(j)(2)(C)(iv), an additional criterion which an applicant could meet to satisfy this condition. The proposed criterion consists of four parts and requires that the applicant submit financial information in sufficient detail to show that:

(I) (t)he applicant has an investment-grade rating for its most recent bond issuance of "Baa" or higher from Moody's Investor Service and "BBB-" or higher from Standard and Poor's Corporation; and

(II) (t)he applicant has a tangible net worth of at least $10 million and fixed assets in the United States totalling at least $20 million; and

(III) (t)he applicant has a ratio of total liabilities to net worth that is equal to or less than the industry median reported by Dun and Bradstreet Corporation for the applicant's primary SIC code; and

(IV) (t)he applicant has a ratio of current assets to current liabilities that is equal to or greater than the industry median reported by Dun and Bradstreet Corporation for the applicant's primary SIC code; or the applicant has a current credit rating of '4A2' or higher from Dun and Bradstreet Corporation.

In order to be eligible to self-bond under proposed TCMR 806.309(j)(2)(C), the applicant would be required to satisfy one or more of the three existing criteria at TCMR 806.309(j)(2)(C)(i), (ii), and (iii), which are substantively identical to the corresponding Federal regulations at 30 CFR 800.23(b)(3)(i), (ii), and (iii), or all four parts of the additional proposed criterion at TCMR 806.309(j)(2)(C)(iv). Each of the four parts is discussed separately below. The Director finds that the combined requirements of the four parts within Texas' proposed alternative self-bonding eligibility criterion at TCMR 806.309(j)(2)(C)(iv) provide the necessary safeguards for the bonding provisions of the Texas program. The Director finds that Texas' proposed regulations at TCMR 806.309(j)(2)(C)(iv) are no less effective than the corresponding Federal regulations at 30 CFR 800.23(b)(3).

(a) Bond rating criterion. Texas' proposed TCMR 806.309(j)(2)(C)(iv)(I) would require an applicant to have a "rating for its most recent bond issuance of 'Baa' or higher from Moody's Investor Service and 'BBB–' or higher from Standard and Poor's Corporation." Bonds carrying these ratings are considered to be investment-grade bonds. As a matter of clarification, Standard and Poor's Corporation uses plus (+) and minus (−) designations for its bond ratings to indicate the relative standing among bond issuances of the same letter designation (e.g., A+, A, and A–).

Existing TCMR 806.309(j)(2)(C)(i) and the Federal regulations at 30 CFR 800.23(b)(3)(i) require the applicant to have a current rating for its most recent bond issuance of "A" or higher as issued by either Moody's Investor Service or Standard and Poor's Corporations. In the preamble to its proposed rule, OSM discussed at length its rationale for this bond rating criterion. OSM cited a 1981 study of financial tests for owners or operators of hazardous waste facilities, prepared by the Environmental Protection Agency (EPA) (Environmental Protection Agency, 1981, Background Document for the Financial Test and Municipal Revenue Test for Financial Assurance for Closure and Post-Closure Care, EPA), which found that firms receiving any of the four highest ratings from Moody's (Aaa, Aa, A, Baa) or Standard and Poor's (AAA, AA, A, BBB) bond rating services show financial strength equal to that of firms qualifying under certain other financial ratio tests (47 FR 36570, 36572, August 20, 1982). "Partly as a result of this study, EPA adopted rules (47 FR 15032, April 7, 1982) which require that an applicant for financial assurance tests have $10 million of tangible net worth and certain other financial criteria, in addition to the appropriate bond rating" (47 FR 36570, 36572, August 20, 1982).

The preamble explained that "(s)ince OSM would not be requiring the double proof of solvency—the $10 million tangible net worth in conjunction with the bond rating criterion—the bond rating would have to be in the top three ratings from Moody's (Aaa, Aa, A) or Standard and Poor's (AAA, AA, A)," instead of the top four. In doing so, OSM did not discuss whether a lower bond rating criterion could constitute an adequate test for financial strength, if combined with additional financial tests.

Although Texas' proposed regulation would allow Texas to accept bonds with lower ratings than existing TCMR 806.309(j)(2)(C)(i) and the Federal regulation at 30 CFR 800.23(b)(3)(i), proposed TCMR 806.309(j)(2)(C)(iv), unlike its Federal counterpart, would require an adequate rating by both specified rating services rather than just one (proposed TCMR 806.309(j)(2)(C)(iv)(I)). It would also require the applicant to meet a tangible net worth test and a fixed assets in the United States test (proposed TCMR 806.309(j)(2)(C)(iv)(I)), a total liabilities to net worth test (proposed TCMR 806.309(j)(2)(C)(iv)(III)), and either a ratio of current assets to current liabilities test (current ratio) or a credit rating test (proposed TCMR 806.309(j)(2)(C)(iv)(IV)).

(b) Tangible net worth and fixed assets in the United States criteria. Texas' proposed TCMR 806.309(j)(2)(C)(iv)(II) would require an applicant to have a tangible net worth of at least $10 million, and fixed assets in the United States of at least $20 million. Existing TCMR 806.309(j)(2)(C)(ii) and (iii) and the Federal regulations at 30 CFR 800.23(b)(3)(ii) and (iii) include identical amounts for tangible net worth and fixed assets in the United States.

c. Ratio of total liabilities to net worth and ratio of current assets to current liabilities criteria. Texas' proposed TCMR 806.309(j)(2)(C)(iv)(III) would require an applicant to have a ratio of total liabilities to net worth that is equal to or less than the industry median reported by Dun and Bradstreet Corporation for the applicant's primary SIC code. Texas' proposed TCMR 806.309(j)(2)(C)(iv)(IV) would require an applicant to have (1) a current ratio that is equal to or greater than the industry median reported by Dun and Bradstreet for the applicant's primary SIC code or (2) a composite credit rating of "4A2" or higher from Dun and Bradstreet.

Existing TCMR 806.309(j)(2)(C)(ii) and (iii) and the Federal regulations at 30 CFR 800.23(b)(3)(ii) and (iii) require that the applicant have a ratio of total liabilities to net worth of 2.5 times or less, and a current ratio of 1.2 times or greater.

OSM's decision to include these financial ratio requirements in its self-bonding regulations was based largely on the requirements in EPA's financial assurance rules for closure and post-closure of hazardous waste facilities and the background documents supporting those rules. However, OSM modified the qualifying ratio values from those established by EPA to reflect industry ratio values for the coal industry which were supplied by Dun and Bradstreet because such ratio values "better reflect industry norms for coal mining companies" (48 FR 36418, 36423, August 10, 1983). Thus, the coal industry median values reported by Dun and Bradstreet Corporation at the time the Federal requirements were established were the source of OSM's qualifying value of 2.5 or less for the ratio of total liabilities to net worth and its qualifying value of 1.2 or higher for the current ratio.

Texas' proposed requirements would differ from the existing Texas regulations at TCMR 806.309(j)(2)(C) (ii) and (iii) and the Federal requirements at 30 CFR 800.23(b)(3) (ii) and (iii) in two important ways: (1) The qualifying ratio values would be keyed to industry median ratios for the specific industry identified by the applicant's primary SIC code, rather than to the coal industry alone, and (2) the qualifying ratio values would not be static values, but would be at any given time equal to the appropriate industry median ratio values.

The effect of Texas' proposed qualifying values for the ratio of total liabilities to net worth and the current ratio would be to ensure that a self-bonding applicant is performing favorably in comparison to the rest of its industry with respect to these ratios, and to ensure that the qualifying ratio values reflect current industry conditions. Reliance on financial information that is specific to the applicant's primary industry is consistent with OSM's use of coal industry medians to establish its qualifying values for the ratio of total liabilities to net worth and the current ratio.

Although the use of qualifying ratio values that are keyed to corresponding industry median values would usually provide more a stringent test than the current Federal ratio values, current industry median values may impose less stringent requirements than the Federal regulations under some economic circumstances. However, under proposed TCMR 806.309(j)(2)(C)(iv), a self-bonding applicant would be required at TCMR 806.309(j)(2)(C)(iv) (I) and (II) to meet other financial strength and solvency tests in addition to meeting the total liabilities to net worth and current ratio tests. Further, existing TCMR 806.309(j)(2) provides that the Commission may accept a self-bond from an applicant if the applicant meets the specified conditions. Because TCMR 806.309(j)(2) does not require the Commission to accept the self-bond of every applicant that meets the requirements of TCMR 806.309(j), the Commission has discretion to refuse a self-bond if, for some reason, it determines that those financial tests do not provide an accurate assessment of the applicant's financial strength and solvency.

(d) Current credit rating as an alternative criterion. Texas proposed at TCMR 806.309(j)(2)(C)(iv)(IV) that an applicant could use, as an alternative to satisfying the current ratio test, "a current credit rating of '4A2' or higher from Dun and Bradstreet Corporation." The "current credit rating" is called the D&B Rating System in the literature and reports of Dun and Bradstreet Corporation.

Dun and Bradstreet Corporation's rating system uses a two-part code to represent a company's financial strength and credit appraisal. The financial strength is expressed as tangible net worth in 14 classes ranging from less than $5,000 to greater than $50 million. The "4A" in Texas' proposed "4A2" qualifying rating indicates a tangible net worth of $10 million to $49.99 million (Dun & Bradstreet Reference Book of American Business, November-December, 1991). This range is consistent with Texas' existing TCMR 806.309(j)(2)(C)(ii) and the Federal regulation at 30 CFR 800.23(b)(3) (ii), which require a tangible net worth of at least $10 million.

The credit appraisal portion of Dun and Bradstreet's rating system code (the "2" of Texas' proposed "4A2" qualifying rating) is a numerical rating from "1" to "4" with "1" being the highest or most favorable rating. Dun and Bradstreet's credit appraisal is based on the evaluation of a number of factors. The main factor considered is the company's financial condition. This evaluation utilizes "industry norm" data, financial ratios including current ratio and ratio of total liabilities to net worth, trend information, operating numbers, and cash flow. Other factors considered include banking relationships, lawsuits, liens, judgments, background of the company, and the experience level of the management. Because the credit appraisal is based on a comprehensive analysis of the company, including consideration of the company's current ratio, Texas' proposed "2" rating provides a level of assurance that is equal or better than that provided by the current ratio alone.

5. TCMR 806.309(j)(3), Requirements for a Governmental Entity

Texas proposed to delete TCMR 806.309(j)(3), which provides separate eligibility criteria for governmental entities applying to self-bond. Texas originally proposed TCMR 806.309(j)(3) on August 29, 1988, revised it on March 21, 1989, and promulgated it on September 18, 1989. OSM subsequently found the regulation to be less effective than the Federal regulations at 30 CFR 800.23(b)(3) (ii) and (iii), and 800.23(d), and did not approve it (54 FR 50750, 50752, December 11, 1989).

Because OSM previously found TCMR 806.309(j)(3) to be less effective than the Federal regulations at 30 CFR 800.23(a)(ii) and (iii), and (d), and did not approve it, the Director finds that Texas' proposed deletion of this provision would make this part of the Texas program consistent with the Federal regulations. Therefore, the Director approves the proposed deletion of TCMR 806.309(j)(3).

6. TCMR 806.309(j)(9), Applicability

On August 29, 1988, Texas proposed to add at TCMR 806.309(j)(9) provisions by which the Commission could waive the proposed self-bonding requirements at TCMR 806.309(j)(2)(C) and (j)(4). On March 21, 1989, Texas proposed to revise TCMR 806.309(j)(9) to provide that the proposed requirements at TCMR 806.309(j)(2)(C), (j)(3)(E), and (j)(5) would apply only to new self-bonding applicants. Existing self-bonded permittees would be allowed to increase their self-bonds without meeting the financial eligibility criteria of the proposed regulations. On September 18, 1989, Texas promulgated the proposed revisions at TCMR 806.309(j)(9). OSM subsequently found the regulation to be less effective than the Federal regulations at 30 CFR 800.23, and did not approve it (54 FR 50750, 50752, December 11, 1989).

In this amendment, Texas proposed to delete TCMR 806.309(j)(9). However, the language Texas proposed to delete differs from the language that OSM did not approve on December 11, 1989, in that it provides, in part, that the requirements at TCMR 806.309(j)(2)(C),

(j)(3)(E), and (j)(5) would apply to modifications of existing self-bonds.

The Federal regulations at 30 CFR 800.23(g) require that any time the financial conditions of the permittee change so that the financial criteria to self-bond are not met, the permittee must notify the regulatory authority and post an alternate form of bond. Existing TCMR 806.309(j)(8) has the same requirements. Therefore, even though Texas removes language from its program that requires the provisions of TCMR 806.309(j)(2)(C), (j)(3)(E), and (j)(5) to be applied to modifications of existing self-bonds, the Texas program retains these requirements at TCMR 806.309(j)(8). The Director approves Texas' proposed deletion of TCMR 806.309(j)(9).

IV. Public and Agency Comments

Following are summaries of all substantive oral and written comments on the proposed amendment that were received by OSM and the Director's responses to them.

Public Comments

Two commenters provided written support for the proposed amendment (Administrative Record Nos. TX–499 and TX–501).

Two persons testified at the public meeting held in Austin, Texas, on August 5, 1991. One stated that existing State and Federal self-bonding requirements are appropriate for coal mining companies but not for electric power utilities. This person presented a document entitled "Comparisons of Bond Rating and Current Ratios" (Administrative Record No. TX–502) and referred to it in support of his statement that there is no clear relationship between a high bond rating and meeting the financial ratios in the current regulations. The commenter also stated that bond ratings were better indicators than financial ratios of a company's financial health. This commenter said that the proposed rules fairly assess a company's financial health and that the commenter supported the proposed amendment. By letter dated August 27, 1991, this commenter submitted to OSM a document entitled "Comparison of Electric Utility Company Bond Ratings and Current Ratios" (Administrative Record No. TX–503) stating that this was a revised version of the document presented at the public meeting. The Director acknowledges these comments in support of the proposed amendment.

The other commenter said that a cash bond should be required to cover all probable effects of mining and that self-bonding should not be allowed because the Texas mining companies were potentially at risk far beyond their ability to pay. The commenter said that large companies can go bankrupt and that the proposed rule should not be approved.

The Director acknowledges these concerns. However, the concerns are not within the scope of this rulemaking. Rather than addressing whether or not Texas should accept self-bonds from mining companies, or the required bond amount, the amendment proposes an additional criterion under which the Commission may accept a self-bond from an applicant. Section 25(c) of Texas Surface Coal Mining and Reclamation Act (TSCMRA) already provides that the Commission may accept an applicant's self-bond when the applicant adequately demonstrates the existence of a history of financial solvency and continuous operation. Also, Texas' approved regulations at TCMR 806.308(a) prescribe a self-bond as a valid form of the required performance bond. These provisions provide the Commission with the discretion to allow or disapprove self-bond applications on a case-by-case basis (48 FR 36418, 36428, August 10, 1983) and are consistent with the provisions of Section 509(c) of SMCRA and Federal regulations at 30 CFR 800.12.

The same commenter also questioned the wisdom of allowing particular Texas companies to self-bond and cited specific financial difficulties such companies were, or could potentially be, facing. For example, the commenter was concerned that a proposed fly ash disposal and reclamation plan at a specific mine may potentially result in severe environmental damage that would require remedies, thereby exposing the Texas mining companies to future high financial liability. The commenter said that health risks present another area of financial exposure to the mining companies and cited a soon-to-be-published research study that the commenter said will show significant environmental effects to Titus County citizens. The commenter also was concerned that power plant construction costs may seriously deplete mining company resources, and referred to a newspaper article about the high cost of constructing the Comanche Creek power plant. Another concern was that the artificial maintenance of reclaimed lands would be so costly that the companies would not be required to do it.

The Director acknowledges these concerns. However, the present rulemaking is not the proper forum, for determining whether any particular Texas company should be allowed to self-bond. Once a particular company meets all of the prerequisites for self-bonding at 806.309(j)(2), the determination of whether the company should be allowed to self-bond is a matter within the Commission's discretion. The Commission can refuse to allow a company to self-bond, despite the fact that the company satisfies the criteria of 806.309(j)(2), if the Commission determines that those financial tests do not provide an accurate assessment of the applicant's financial strength and solvency.

Further, Texas' regulations at TCMR 805.304 prescribe the requirements for determining the bond amount. The bond amount is determined by the Commission on the basis of, among other things, the probable difficulty of reclamation considering such factors as the topography, geology, and hydrology of the site and its revegetation potential. OSM believes that these existing provisions in the Texas program provide adequate requirements and safeguards for evaluating an individual applicant's financial capacity to self-bond and determining bond amounts.

This same commenter also felt that the proposed regulations should specify the accounting methods to be used because a company's stated financial condition may vary depending on the accounting method used. On August 10, 1983, the Director published a final rule **Federal Register** notice promulgating Federal regulations at 30 CFR 800.23 pertaining to self-bonding (48 FR 36418). These regulations were subsequently revised on January 14, 1988 (53 FR 994). The Federal regulations do not require that financial information submitted by an applicant conform to specific accounting methods. In this proposed amendment, Texas has incorporated requirements in its regulations that are no less effective than the corresponding Federal regulations concerning the integrity of financial information and financial statements submitted. Therefore, the Director is not requiring Texas to revise its regulations in response to this comment.

Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments from the Administrator of the Environmental Protection Agency (EPA), and various other Federal agencies with an actual or potential interest in the Texas program.

The Bureau of Mines, U.S. Soil Conservation Service, and Bureau of Land Management responded that they had no specific comments, questions or recommended changes on the proposed amendment (Administrative Record

Nos. TX–495, TX–500 and TX–511, TX–508).

The U.S. Army Corps of Engineers responded that it found the proposed amendment satisfactory (Administrative Record No. TX–512).

Environmental Protection Agency (EPA) Concurrence

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the Administrator of the EPA with the respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*)

None of the changes that Texas proposed to its rules pertain to air or water quality standards. Nevertheless, OSM requested EPA's concurrence on the proposed amendment (Administrative Record No. TX–497). On January 21, 1992, EPA gave written concurrence (Administrative Record No. TX–519).

State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (ACHP) Comments

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments from the SHPO and ACHP for all amendments that may have an effect on historic properties. The Director solicited comments from these offices. The SHPO responded that there were no specific concerns or issues to present at this time (Administrative Record No. TX–510). ACHP did not respond.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Texas on June 24, 1991, and revised by it on October 8, 1991. The Director approves the rules with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 943 codifying decisions concerning the Texas program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

National Environmental Policy Act

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Accordingly, for this section OSM is exempt from the requirement to prepare a regulatory impact analysis, and this action does not require a regulatory review by OMB. The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 4, 1992.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 943—TEXAS

1. The authority citation for part 943 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

4. Section 943.15 is amended by adding a new paragraph (e) as follows:

§ 943.15 Approval of regulatory program amendments.

* * * * *

(e) The revisions to the following Coal Mining Regulations of the Railroad Commission of Texas as submitted on June 24, 1991, and revised on October 8, 1991, are approved effective February 19, 1992:

Definitions of "SIC code" and "tangible net worth".	806.309(j)(1) (H) and (I).
Business and governmental entities.	806.309(j)(2), (j)(2)(B), (j)(2)(C)(iii) and (iv).
Governmental entities (deleted and reserved).	806.309(j)(3).
Current financial information.	806.309(j)(7).
Substitute bonding.....	806.309(j)(8).
Applicability (deleted).	806.309(j)(9).

[FR Doc. 92–3827 Filed 2–18–92; 8:45 am]

BILLING CODE 4310–05–M

Bureau of Land Management

43 CFR Public Land Order 6923

[AZ–930–4214–10; AZAR–05059]

Partial Revocation of Public Land Order No. 1176; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects 103.75 acres of National Forest System land withdrawn for use as the Lakeside Administrative Site. A portion of the site is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through land exchange under the General Exchange Act of 1922. This action will open the land to such forms of disposition as may by law be made of National Forest System land. The land remains temporarily closed to mining by a Forest Service exchange proposal. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602–640–5509.

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

1. Public Land Order No. 1176, which withdrew National Forest System land for use as the Lakeside Administrative Site, is hereby revoked insofar as it affects the following described land:

Gila and Salt River Meridian

Apache-Sitgreaves National Forest

T. 9 N., R. 22 E.,

sec. 23, NE¼NE¼, E½E½W½NW¼NE¼, E½NW¼NE¼, NE¼NE¼NW¼SW¼NE¼, N½N½NE¼SW¼NE¼, NW¼NW¼NW¼SE¼NE¼, E½W½W½SE¼NE¼, E½W½SE¼NE¼, and E½SE¼NE¼.

The area described contains 103.75 acres more or less in Navajo County.

2. At 10 a.m. on March 20, 1992, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: February 11, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92-3845 Filed 2-18-92; 8:45 am]

BILLING CODE 4310-32-M

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB

Endangered and Threatened Wildlife and Plants; Emergency Rule To Establish Additional Manatee Sanctuaries in Kings Bay, Crystal River, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Emergency rule.

SUMMARY: This emergency rule establishes four additional manatee (*Trichechus manatus*) sanctuaries in Kings Bay, Crystal River, Florida, and prohibits all waterborne activities in these sanctuaries for a period of 120 days. This emergency action will prevent the taking of manatees by harassment resulting from waterborne activities during upcoming winter months. This increases the number of sanctuaries in Kings Bay from three to seven to accommodate the increase in the number of manatees using the area each winter, and to offset the harassment from increasing public use. The emergency rule will provide interim protection for the manatees during which time a proposed rule to implement permanent sanctuaries will be published in the **Federal Register**. A proposed rule, which will be published in the future, will provide opportunity for public comment. This action is taken under the authority of the Endangered Species Act of 1973, as amended, and the Marine Mammal Protection Act of 1972.

EFFECTIVE DATE: This emergency rule is effective on November 15, 1991. A legal notice announcing an effective date of November 15, 1991, was published in the "Citrus County Chronicle" on November 13, 1991, in accordance with 50 CFR 17.106.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Blvd. South, Suite 120, Jacksonville, Florida 32216.

FOR FURTHER INFORMATION CONTACT: Robert O. Turner at above address (904/791-2580, FTS 946-2580) or Vance Eaddy, Senior Resident Agent, U.S. Fish and Wildlife Service, 9721 Executive Center Dr., suite 206, St. Petersburg, Florida 33702, 813/893-3651.

SUPPLEMENTARY INFORMATION: Crystal River is a short tidal river on the west coast of Florida. Forming the headwaters of Crystal River is Kings Bay, a lake-like body of water fed by many freshwater springs. These springs, because of their year-round temperature of over 74° F, provide an essential warm-water wintering area for West Indian manatees (*Trichechus manatus*), a federally listed endangered species.

During cold weather, many of the manatees wintering in Kings Bay aggregate in an area known as the main spring or Kings Spring, located just south of Banana Island. This location is also a favorite site for skin and scuba divers, who come to Kings Bay for the clear, calm conditions favorable for learning diving techniques, coupled with the opportunity to "swim with the manatees". Diver use of this area is especially heavy during the cold winter months when diving is impractical through most of the northern states, and when the opportunity for manatee encounters is greatest.

The concurrent use of the main spring area by divers and manatees during cold weather creates a problem for manatees. Manatees are shy, harmless creatures that are easily driven away from warm springs by human activity (Buckingham 1990).

A limited number of manatees (about 15) used the springs in the 1970's prior to the establishment of the Banana Island Sanctuary. They seemed to tolerate and even enjoy some human contact. These "tame" manatees readily approached divers and allowed themselves to be petted and lightly scratched (Hartman 1979, Powell and Rathbun 1984). By 1980, when the first permanent manatee sanctuaries were established, the number of manatees wintering in the bay had increased to just over 100. This increase was greater than could be accounted for by reproduction, so it was apparent that some manatees were immigrating from other areas (Powell and Rathbun 1984). The number of manatees that chose to interact with the public increased only slightly.

Manatee use of Kings Bay now exceeds 240 animals (FWS unpublished data). A majority of manatees currently using the spring do not tolerate close human contact, and leave the warmer spring waters when humans approach too closely. They disproportionately spend their time in the existing sanctuaries regardless of weather conditions, in direct relationship to the number of boats present (Buckingham 1990).

Efforts have been made to make divers, snorkelers, and boaters aware of the manatee harassment problem. Visitors have been instructed through posters, brochures, and dive shop personnel that they should not aggressively pursue manatees or drive them from the springs. As a group, most people have been very cooperative in this regard. Though most conscientiously try to avoid harassing manatees, they seek the animals out and approach them to observe them and a few consistently pet them. Although a few manatees tolerate and occasionally invite attention, most manatees appear to find the situation intolerable and they alter their behavior accordingly. At times, the sheer number of humans concentrated in a relatively confined area forces all the manatees to seek less disturbing conditions.

The largest numbers of manatees are found at the spring at night or during the early morning. After sunrise, when the divers begin arriving at the spring, those manatees least able to tolerate human crowding begin leaving the spring. As greater numbers of divers arrive, more manatees leave (FWS unpublished data). On days when the temperatures of the surrounding waters are not excessively cold, this may not be critical, although it still modifies the manatee's natural behavior. On days when surrounding water temperatures are below 68° F, manatees may begin to show some signs of cold water stress such as reduced metabolic rate and cessation of feeding. If cold stress continues long enough, manatees will die.

Research shows that the presence of waterborne users causes manatees to leave the spring heads in favor of the protected sanctuaries regardless of weather conditions. On days when there is low diver turnout, a greater proportion of manatees remain in the springs (Buckingham 1990). Observations of other wintering areas, such as Blue

Spring State Park, show that, left to their own devices, most manatees will remain in warm water throughout the day during cold weather periods. Activities that cause manatees to leave can, therefore, be considered "harassment," which interferes with normal "sheltering" habits of the animal. Harassment is a violation of both the Endangered Species Act and the Marine Mammal Protection Act.

Currently, manatees are able to move away from divers by moving into three sanctuaries, Banana Island, Sunset Shores, and Magnolia Springs, established in 1980. The Banana Island sanctuary is located near the main spring, Kings Spring, and is relatively warm in relation to surrounding waters. Sunset Shores sanctuary is still within the southern part of the bay and provides a feeding and resting area in fairly warm water. The Magnolia Springs sanctuary is located in a canal development adjacent to Kings Bay and contains a smaller spring. The number of manatees using Kings Bay has increased from 100 in 1980 to 246 in 1990. Although it might appear from the increasing numbers of manatees that additional protection is not needed, this is not the case. Manatees are losing habitat elsewhere, and Kings Bay is becoming more and more essential as one of the last natural warm water areas with abundant food resources. Additional sanctuaries are essential to insure adequate undisturbed natural areas in Kings Bay where manatees may meet most of their needs, including warm water, food, and areas for resting and socializing.

The economic importance of Kings Bay, and especially the main spring, to Crystal River and Citrus County centers around the sports of SCUBA diving and snorkeling. The area is internationally known as a desirable location for winter diving. The presence of manatees creates a special attraction which dive shop owners exploit by advertising their facilities as a place where one can "swim with the manatees". The tourism industry created by divers coming to Crystal River is significant and total sales at five dive shops and three motels more than doubled between 1980 and 1986, with the "manatee season" accounting for 28 to 53 percent of their sales for the entire year (Milon in prep). Due in part to national publicity manatees have recently received, the number of divers visiting Kings Bay has increased to about 60,000–80,000 in the winter of 1990–91, double the number in 1980 (FWS unpublished data). This rapid increase in popularity is likely to continue, significantly affecting manatees.

The Service intends to provide manatees needed winter protection without adversely affecting diving and other waterborne activities so important to Crystal River. Aerial survey data available on manatee distribution within Kings Bay suggest that strategically placed manatee sanctuaries could provide manatees warm water refugia and feeding and resting areas free from harassment without causing a major disruption of current recreational patterns (Kochman et al. 1985, Buckingham 1990).

Therefore, the Service is creating additional sanctuaries in Kings Bay to provide manatees relatively undisturbed habitat during the cold weather months. These sanctuaries will exclude all waterborne activities by humans from November 15 through March 31. The chosen sanctuary areas have been carefully selected to avoid excluding divers from their favorite sites. The Service believes that, given these added refugia, manatees will not be forced to leave the warm water necessary for their survival and will be able to feed, rest, and socialize without being harassed.

Reasons for Emergency Determination

In deciding to implement this rule, the Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species. Based on this evaluation, the preferred action is to implement additional sanctuaries in Kings Bay, Crystal River, Florida on an emergency basis. With the number of manatees having more than doubled in the last 10 years along with the large increase in the number of visitors, the existing sanctuaries are insufficient to shelter the current manatee population. Without sufficient space, food, rest, and freedom from harassment, a significant proportion of the remaining population of Florida manatees could be at considerable risk should upcoming cold temperatures confine them to Kings Bay for any length of time. There is currently insufficient time to complete preparations for implementing permanent sanctuaries before cold weather arrives. Therefore, the Service is establishing additional manatee sanctuaries on an emergency basis to provide maximum protection for manatees until the permanent sanctuaries are in effect.

The authority to establish emergency manatee protection areas is provided by the Endangered Species Act of 1973, as amended, and the Marine Mammal Protection Act; and is codified at 50 CFR, subchapter B, part 17, subpart J. Under subpart J, § 17.106, the Director may establish, by regulation, manatee protection areas whenever he determines there is substantial evidence that there is imminent danger of a taking (including harassment) of one or more manatees, and that such establishment is necessary to prevent such a taking.

The sanctuary addition at Magnolia Springs (see map reference (4)) will create a 1.5-acre addition to the current Magnolia Springs Sanctuary. This short, horseshoe-shaped section of canal joins Kings Bay and is fed by auxiliary springs. The sanctuary will provide good protection for a small number of manatees that currently use the area for giving birth, resting, and as a warm water refuge.

The sanctuary on the north and east sides of Buzzard Island (see map reference (5)) will create a 20.9-acre sanctuary along the northwestern edge and down the length of the east side of Buzzard Island. This sanctuary is primarily used by manatees as a feeding area, since it has limited warm water input but contains abundant vegetation.

The sanctuary at Tarpon Springs (see map reference (6)) create a 4.7-acre sanctuary along the northwestern side of Banana Island. It contains a small spring and is used as a warm water, feeding, and resting area.

The 4.9-acre sanctuary on the north side of Warden Key (see map reference (7)) is used primarily as a feeding area.

A standard survey of the sanctuary areas will be performed and legal descriptions will be published in the final rule to designate permanent sanctuaries. The protected areas will be delineated with buoys, as are existing sanctuaries.

Public Comments Solicited

The Service intends that any final action be as effective as possible. Therefore, the opportunity for the public, other concerned governmental agencies, the scientific community, industry, or any other interested party to provide comments or suggestions concerning the rule will be solicited when the proposed rule is published.

Final promulgation of the rule will take into consideration all comments and any additional information received by the Service.

References Cited

Buckingham, C.A. 1990. Manatee response to boating activity in a thermal refuge. MS Thesis. University of Florida, Gainesville, Fla.

Kochman, H.I.,G.B. Rathbun and J.A. Powell. 1985. Temporal and spatial distribution of manatees in Kings Bay, Crystal River, Florida. J. Wildl. Manage. 49(4):921–924.
Hartman, D.S. 1979. Ecology and behavior of the Manatee (*Trichechus manatus*) in Florida. Am. Soc. Mamm. Special Publ. No. 5. 153 pp.
Milon W. In prep. Economic activity associated with recreational diving in Kings Bay, Crystal River, Florida.
Powell, J.A. and G.B. Rathbun. 1984. Distribution and abundance of manatees along the northern coast of the Gulf of Mexico. Northeast Gulf Sci. 7:1–28.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this rule. It is on file in the Service's Jacksonville Field Office, 3100 University Blvd. South, suite 120, Jacksonville, Florida 32216 and may be examined by appointment during regular business hours. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Author

The primary author of this emergency rule is Robert O. Turner, Manatee Coordinator (see Addresses section above).

Authority

The authority to establish manatee protection areas is provided by the Endangered Species Act of 1973, as amended (16 U.S.C. 1533 *et seq.*, and the Marine Mammal Protection Act (16 U.S.C. 1361–1407).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and transportation.

Regulation Promulgation

Subpart J of part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation of Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.108 is amended by adding paragraphs (a) (4), (5), (6) and (7) and revising the map at the end of this section to read as follows:

§ 17.108 List of designated manatee protection areas.

(a) * * *

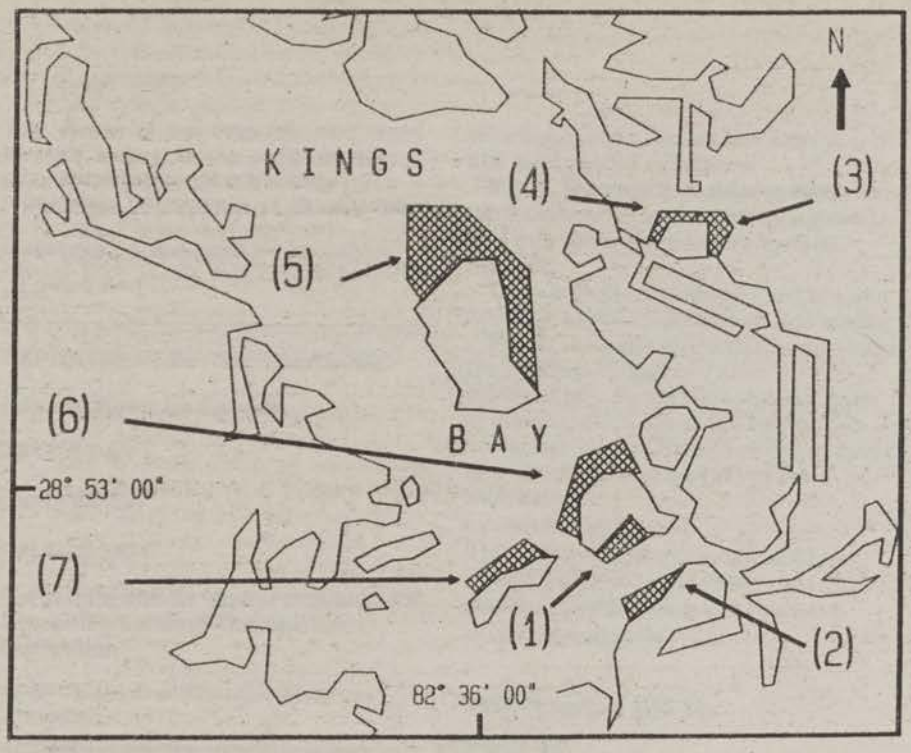
(4) That part of Kings Bay, Crystal River, at Magnolia Springs defined by a line drawn approximately from the intersection of lots 6 and 7 of Paradise Isle development at the canal bulkhead, 107° to the opposite bulkhead at lot 22, then following the bulkhead to the Paradise Isle Bridge, then following the center line of the bridge, and following the bulkhead of Paradise Isle back to the original point.

(5) That part of Kings Bay, Crystal River on the north and east sides of Buzzard Island defined approximately by a line drawn 336° from a point near the westermost projection of Buzzard Island for a distance of 313 ft, then 4° from this point for a distance of 750 ft, then 90° from this point for a distance of 525 ft, then 128° from this point for a distance of 900 ft, then 177° from this point for a distance of 1260 ft, to a point near the southeast end of Buzzard Island, then following the mean high water line of the island to the original point.

(6) That part of Kings Bay, Crystal River, at Tarpon Springs defined approximately by a line drawn 0° true from the western most point of Banana Island for a distance of 160 ft, 53° from this point for a distance of 320 ft, 140° from this point for a distance of 420 ft, joining Banana Island at its northeastern corner, then following the mean high water line along the shoreline of Banana Island back to the original point.

(7) That part of Kings Bay, Crystal River, on the north side of Warden Key defined approximately by a line drawn 324° from a point on the northwest shore of Warden Key for a distance of 170 ft, 52° from this point for a distance of 900 feet, 144° from this point for a distance of 310 ft, joining the northeast corner of Warden Key, then following the mean high water line of Warden Key back to the starting point.

* * * * *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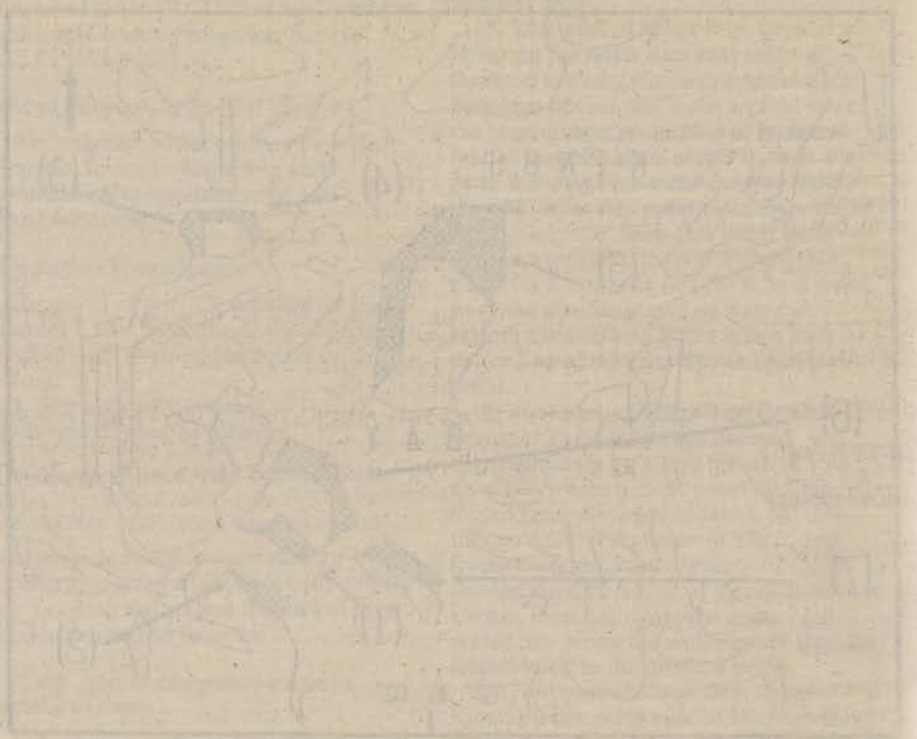
Dated: December 30, 1991.

Richard N. Smith,

Director, Fish and Wildlife Service.

[FR Doc. 92-3650 Filed 2-18-92; 8:45 am]

BILLING CODE 4310-55-M



Proposed Rules

Federal Register
Vol. 57, No. 33
Wednesday, February 19, 1992

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL-106-89]

RIN 1545-AP71

Certain Payments Made Pursuant to a Securities Lending Transaction; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of public hearing on proposed regulations.

SUMMARY: This document contains corrections to the notice of public hearing on proposed regulations (INTL-106-89), which was published on Thursday, January 9, 1992, (57 FR 859). The proposed Income Tax Regulations relate to the taxation of certain payments made pursuant to cross-border transfer of securities subject to section 1058 of the Internal Revenue Code.

EFFECTIVE DATE: January 9, 1992.

FOR FURTHER INFORMATION CONTACT: Bob Boyer of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-377-9231, (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The subject of the notice of correction of public hearing is proposed regulations proposing amendments to the Income Tax Regulations (26 CFR part 1) under sections 861, 871, 881, 894, and 1441 of the Internal Revenue Code of 1986.

Need for Correction

As published, the notice of public hearing contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of public hearing [INTL-106-89], which was the subject of FR Doc. 92-414, is corrected as follows:

Par. 1. On page 859, column three, in the heading, the subject following the RIN number is corrected to read as follows:

Certain Payments Made Pursuant to a Securities Lending Transaction; Hearing

Par. 2. On page 860, column one under the heading "Supplementary Information", line 5, the language "part 1) under section 861 of the Internal" is corrected to read "part 1) under sections 861, 871, 881, 894, and 1441 of the Internal".

Cynthia E. Grigsby,

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

[FR Doc. 92-3768 Filed 2-18-92; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Parts 1 and 301

[PS-56-89]

RIN 1545-AN92

Certain Publicly Traded Partnerships Treated as Corporations—Transition Provisions; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed Income Tax Regulations relating to a description of when a publicly traded partnership adds a "substantial new line of business," thus forfeiting the partnership status preserved for "existing partnerships" by the transition rule applicable of section 7704 of the Internal Revenue Code of 1986.

DATES: The public hearing originally scheduled for Monday, February 24, 1992, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-377-9236 or 202-566-3935 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 7704 of the Internal Revenue Code. A notice appearing in the Federal Register for Tuesday, December 31, 1991 (54 FR 67557), and a correction notice appearing in the Federal Register for Wednesday, January 8, 1992 (57 FR 658), announced that the public hearing on the proposed regulations would be held on Monday, February 24, 1992, beginning at 10 a.m in the Commissioner's Conference Room, room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC.

The public hearing scheduled for Monday, February 24, 1992, has been cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 91-3767 Filed 2-18-92; 8:45 am]

BILLING CODE 4830-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 92-9; FCC 92-20]

Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Rules amending the Table of Frequency Allocations to provide spectrum for new emerging technologies are being proposed. The Commission currently has pending before it a number of petitions and proceedings addressing requests for allocation of spectrum to operate new services that would utilize innovative technologies. There is not sufficient spectrum available that is suitable to accommodate these requests. The proposed new emerging technology bands would make spectrum available that could be used for at least some of the new services being requested.

DATES: Comments are due by April 21, 1992. Reply comments are due by May 21, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Fred Lee Thomas, Office of Engineering and Technology, Frequency Allocation Branch, (202) 653-6204.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of

Proposed Rule Making adopted January 16, 1992, and released February 7, 1992. The full text of Commission decisions are available for inspection and copying during regular business hours in the FCC Dockets Branch (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's duplication contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Summary of Notice of Proposed Rule Making

1. The notice proposes to allocate the 1850–1990, 2110–2150, and 2160–2200 MHz bands for emerging technologies. It proposes that the fixed microwave operations currently using these bands be reaccommodated on higher frequency common carrier and private operational fixed microwave bands or on alternative media. To minimize the cost to the existing fixed microwave users and to promote the implementation of new services, the notice proposes: (1) To allow existing facilities to remain co-primary with new services for some fixed period of time (10 or 15 years) or, alternatively, to adopt a phased approach in which specific blocks of spectrum would be made available for new services over time; (2) to allow parties seeking to operate new services to negotiate financial agreements with existing users for access to these frequencies during a transition period; (3) to allow existing facilities to continue to operate on their frequencies after the end of the transition, but only on a secondary basis; and (4) to continue indefinitely the authority of state and local government licensees to operate their existing fixed microwave facilities on a primary basis. For all licensees, during the transition, new fixed microwave operations would be authorized on the subject frequencies only on a secondary basis. The notice also solicits comments on whether tax certificates can and should be granted to fixed microwave licensees who receive financial compensation as part of an agreement to surrender their license and use other, non-radio alternative media.

2. Regulatory Flexibility Analysis. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

A. Reason for Action

This rule making proceeding is initiated to obtain comment regarding the development of emerging technologies bands around 2 GHz to provide spectrum for new innovative technologies and services.

B. Objective

The objective of this proposal is to provide adequate spectrum in a reasonable time frame for the development and implementation of new innovative technologies and services to the American public.

C. Legal Basis

The proposed action is authorized by sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(c), 303(f), 303(g), and 303(r). These provisions authorize the Commission to make such rules and regulations as may be necessary to encourage more effective use of radio as is in the public interest.

D. Description, Potential Impact, and Number of Small Entities Affected

This proposal would require many existing private and common carrier fixed microwave operators in the 1850–2200 MHz band, some of which are small entities, to reaccommodate their operations into higher bands or change to alternative technologies. This proposal may provide new opportunities for radio manufacturers and supplier of radio equipment, some of which may be small businesses, to develop and sell new equipment. Further, it may provide many new telecommunication services that may greatly impact the abilities of small entities to conduct business. Because this proposal concerns only the allocation of spectrum, and not the licensing of systems or stations, we are unable to quantify other potential effects on small entities. We invite specific comments on this point by interested parties.

E. Reporting, Record Keeping and Other Compliance Requirements

None.

F. Federal Rules With Overlap, Duplicate or Conflict With This Rule

None.

G. Significant Alternatives

If promulgated this proposal will provide spectrum for the development of new innovative technologies in the immediate future. We are unaware of other alternatives which would provide such spectrum flexibility in the immediate future. We solicit comments on this point.

3. This is a non-restrictive notice and comment rule making proceeding. See 1.1231 of the Commission's rules, 47 CFR 1.1231, for the governing permissible ex parte contacts.

List of Subjects in 47 CFR Part 2

Frequency allocations and radio treaty matters; General rules and regulations, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–3819 Filed 2–18–92; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 920126–2026]

Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce (Secretary) issues a preliminary notice of change for 1992 in the commercial quota for shallow-water groupers in the Gulf of Mexico reef fish fishery in accordance with the framework procedure of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This notice proposes an increase in the annual commercial quota for shallow-water groupers for 1992 from 8.2 to 9.8 million pounds (3.7 to 4.4 million kilograms). Also, both the shallow-water and deep-water grouper quotas are recalculated using a revised conversion factor for landings. The intended effect is to make shallow-water groupers available to the fishery in an amount supported by the red grouper stock assessment. It is expected that this action will reduce fishing pressure on the deep-water grouper resource and thereby reduce the threat of overfishing.

DATES: Written comments must be received on or before March 4, 1992.

ADDRESSES: Comments on the proposed rule should be sent to Robert A. Sadler, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702. Copies of documents supporting this action may be obtained from the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813–893–3161.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP prepared and amended by the Gulf of Mexico Fishery

Management Council (Council), and its implementing regulations at 50 CFR part 641, under the authority of the Magnuson Fishery Conservation and Management Act.

Annual commercial quotas are established under current regulations (1) for yellowedge, misty, warsaw, and snowy groupers, and speckled hind (deep-water groupers), combined, of 1.8 million pounds (0.8 million kilograms); and (2) for all other groupers, excluding jewfish (shallow-water groupers), combined, of 9.2 million pounds (4.2 million kilograms). (For 1991, the quota for shallow-water groupers was increased to 9.9 million pounds (4.5 million kilograms)). The grouper quotas are expressed in terms of whole weight, historically calculated by converting the gutted weight of grouper to whole weight by multiplying the gutted weight by 1.18. Recent studies of landings indicate that a conversion factor of 1.05 is more appropriate. Using the revised conversion factor, the established quotas for deep-water groupers and shallow-water groupers are 1.6 and 8.2 million pounds (0.7 and 3.7b million kilograms), respectively. All quotas discussed in the **SUMMARY** and hereinafter are based on the revised conversion factor.

In accordance with the framework procedure of the FMP, the Council reviewed the 1991 stock assessments for various reef fish species and groups. The stock assessment for red grouper, a grouper that constitutes the majority of the commercial harvest of shallow-water grouper and for which data are most complete, indicated a 36 percent spawning potential ratio, well above the 20 percent goal established in the FMP. Accordingly, the Council has recommended an increase in the annual quota for shallow-water groupers of 1.6 million pounds (0.7 million kilograms) to 9.8 million pounds (4.4 million kilograms) commencing in 1992.

Fishermen have reported large numbers of red grouper that are slightly under the 20-inch minimum size limit, particularly in nearshore areas readily available to the recreational sector. Because of a rapid growth rate, a substantial quantity of red grouper should recruit to the fishery in 1992 and subsequent years, thereby greatly increasing the shallow-water grouper catch. The increased catches should benefit both the commercial and the recreational fisheries. Because the commercial harvest is controlled by an annual quota and closed once the quota is met, the recreational fishery, which remains open all year, should greatly benefit. The Council therefore recommended an increase in the commercial quota, recognizing that the recreational sector would benefit from the increased recruitment of legal-sized fish to nearshore waters.

The Council believes the recommended increase is warranted by the stock assessment and should decrease the probability of a closure of the shallow-water grouper fishery during the fishing year. Keeping the shallow-water grouper fishery open throughout the year would allow a continuous supply of shallow-water grouper filets to the market and would avoid increased fishing pressure on the deep-water groupers, as reportedly occurred in 1990 when the shallow-water grouper fishery was closed for approximately 8 weeks.

NMFS believes that an increased harvest of shallow-water groupers other than red grouper, which would be the proximate result of the proposed increased commercial quota for shallow-water groupers, would be in proportion to the abundance of such other groupers and would not be likely to result in overfishing of those other groupers.

For the reasons discussed above, the Secretary proposes to increase the annual commercial quota for shallow-water groupers to 9.8 million pounds (4.4 million kilograms), and recalculates, in accordance with the revised conversion factor, the existing annual commercial quota for deep-water groupers to 1.6 million pounds (0.7 million kilograms).

Other Matters

This action is authorized by the FMP and complies with E.O. 12291.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 12, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 641 is proposed to be amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

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

2. In § 641.25, paragraphs (b) and (c) are revised to read as follows:

§ 641.25 Commercial quotas.

* * * * *

(b) Yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind (deep-water groupers), combined—1.6 million pounds (0.7 million kilograms).

(c) All other groupers, excluding jewfish (shallow-water groupers), combined—9.8 million pounds (4.4 million kilograms).

* * * * *

[FR Doc. 92–3796 Filed 2–18–92; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 57, No. 33
Wednesday, February 19, 1992

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

DEPARTMENT OF AGRICULTURE

Forest Service

Lost Silver Timber Sale, Flathead National Forest, Hungry Horse Ranger District, Flathead County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare supplement to Lost Silver Timber Sale Final Environmental Impact Statement.

SUMMARY: The Forest Service will prepare a supplement to the Lost Silver Timber Sale final environmental impact statement, which the Forest Service issued on June 28, 1991, along with a record of decision issued on September 13, 1991. The supplement is being prepared to allow full public comment on additional information regarding potential impacts of the proposed action and alternatives on water quality, and threatened and endangered species. The Forest Service has withdrawn the September 13, 1991 record of decision for the Lost Silver Timber Sale.

DATES: The supplement should be ready for distribution in late February, 1992. Comments concerning the supplement should be received in writing within 45 days of the date the notice of availability appears in the Federal Register.

ADDRESSES: Send written comments to Allen Christophersen, District Ranger, Hungry Horse Ranger District, P.O. Box 340 Hungry Horse, MT 59919.

FOR FURTHER INFORMATION CONTACT: Heidi Trechsel, Interdisciplinary Team Leader, or Allen Christophersen, District Ranger, at (406) 387–5243.

SUPPLEMENTARY INFORMATION: The Forest Service issued a draft environmental impact statement for the proposed Lost Silver Timber Sale on January 11, 1991. The final environmental impact statement was issued on June 28, 1991, and record of decision for this proposal issued on September 13, 1991. After issuance of the record of decision, additional information arose regarding the proposal's effects on water quality and threatened and endangered species. As a result, the Forest Service has withdrawn the original record of decision. The Forest Service will prepare a supplement to the Lost Silver final environmental impact statement to ensure adequate public review and comment on the additional information prior to committing to a particular course of action regarding the proposed timber harvest.

The Forest Service is seeking information and comments from Federal, State, Local agencies and other individuals or organizations who may be interested in or affected by the additional information. To be most helpful, comments should focus on the information present in the supplement

The responsible official will consider the comments and responses to the Supplement; environmental consequences discussed in the original FEIS; and applicable laws, regulations, and policies in making a decision regarding the Lost Silver timber sale proposal. The responsible official will document the decision and reasons for the decision in a record of decision. The decision will be subject to administrative appeal under applicable Forest Service Regulations.

Dated: February 12, 1992.

Robert G. Hensler,

Acting Forest Supervisor.

[FR Doc. 91–3804 Filed 2–18–92; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 558]

Resolution and Order Approving With Limitations the Application of the City of Klamath Falls Dock Commission for a Foreign-Trade Zone in the Klamath Falls, Oregon, Area

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Klamath Falls Dock Commission, filed with the Foreign-Trade Zones (FTZ) Board on March 12, 1991, requesting a grant of authority to establish a general-purpose foreign-trade zone in Klamath County, Oregon, The Board, finding that the requirements of the FTZ Act, as amended, and the Board's regulations are satisfied and that the proposal, in regard to the "priority sites," is in the public interest, approves that part of the application involving the "priority sites" subject to the activation limits of 150 acres at the airport site (Site 1) and 50 acres at the Williamson site (Site 3).

The approval is subject to the FTZ Act and the FTZ Board's regulations (as revised, 56 FR 40790–50808, 10/8/91), including section 400.28. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority; Establishment of a Foreign-Trade Zone, Klamath Falls, Oregon, Area

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, The City of Klamath Falls Dock Commission (the Grantee) has made application (filed 3/12/91, FTZ Docket 14–91, 56 FR 12507, 3/26/91) to the Board, requesting the establishment of a foreign-trade zone in the Klamath Falls, Oregon, area, adjacent to the Customs user fee port facility at the Klamath Falls International Airport;

Whereas, notice of said application has been published in the **Federal Register** and public comment has been invited; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated at Foreign-Trade Zone No.

184, at the priority sites described in the application record, subject to the limitations described in the resolution accompanying this action, and subject to the Act and the Board's regulations (as revised, 56 FR 50790–50808, 10/8/91), including § 400.28.

Signed at Washington, DC., this 10th day of February, 1992.

Foreign-Trade Zones Board.

R.A. Schnabel,

Acting Secretary of Commerce, Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

FR Doc. 92–3807 Filed 2–18–92; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–351–809, A–580–809, A–201–805, A–485–802, A–583–814, A–307–805]

Notice of Postponement of Preliminary Determinations: Circular Welded Non-Alloy Steel Pipe From Brazil, the Republic of Korea, Mexico, Romania, Taiwan and Venezuela

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

ACTION: Notice.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Louis Apple 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) 377–1769 or (202) 377–5288, respectively.

NOTICE OF POSTPONEMENT: On February 4, 1992, petitioners in the above-referenced investigations requested that the Department postpone the preliminary determinations for a period of 50 days, pursuant to 19 CFR 353.15(c) (1991).

The Petitioners are requesting these postponements in order to ensure that the Department has adequate time to investigate and analyze the information presented by respondents.

Accordingly, we are extending the date of the preliminary determinations until not later than April 21, 1992.

This notice is published pursuant to section 733(c) of the Tariff Act of 1930, as amended, and 19 CFR 353.15(c) (1991).

Dated: February 10, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–3805 Filed 2–18–92; 8:45 am]

BILLING CODE 3510–DS–M

[C–201–003]

Ceramic Tile From Mexico; 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 has conducted an administrative review of the countervailing duty order on ceramic tile from Mexico. We preliminarily determine the total bounty or grant to be 1.74 percent *ad valorem* for Ceramica Regiomontana, 0.07 percent *ad valorem* for Industrias Intercontinental, 0.01 percent *ad valorem* for Barros Tlaquepaque, and zero for fifty-five companies for the period Janaury 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Michael D. Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1991, the Department of Commerce (the Department) published a notice of "Opportunity to Request Administrative Review" (56 FR 23271) for the countervailing duty order on ceramic tile from Mexico. We received requests for review from the Government of Mexico, and Ceramica Regiomontana, S.A. and Industrias Intercontinental, S.A., two Mexican exporters of the subject merchandise. We initiated the review, covering the period January 1, 1990 through December 31, 1990, on June 18, 1991 (56 FR 27943). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). The final results of the last administrative review of this order were published in the Federal Register on June 14, 1991 (56 FR 27496).

Scope of Review

Imports covered by this review are shipments of Mexican ceramic tile, including non-mosaic, glazed, and unglazed ceramic floor and wall tile. During the review period, such merchandise was classifiable under the *Harmonized Tariff Schedule* (HTS) item numbers 6907.10.0000, 6907.90.0000, 6908.10.0000 and 6908.90.0000. The review covers the period January 1, 1990 through December 31, 1990, fifty-eight companies, and ten programs.

Calculation Methodology for Assessment and Cash Deposit Purposes

In Calculating the benefits received during the review period, we followed the methodology described in the preamble to 19 CFR 355.20(d)(53 FR 52325; December 27, 1988). First, we calculated a country-wide average rate, weight-averaging the benefits received by the fifty-eight companies subject to review to determine the overall subisidy from all countervailing programs benefitting exports of the subject merchandise to the United States. Because the country-wide average rate was above *de minimis*, as defined by 19 CFR 355.7, we proceeded to the next step in our analysis and examined the *ad valorem* rate we had calculated for each company for all countervailing programs combined, to determine whether individual company rates differed significantly from the weighted-average country-wide rate. Fifty-severn companies received aggregate benefits which were zero or *de minimis* (significantly different within the meaning of 19 CFR 355.22(d)(3)(ii)). Therefore, these companies must be treated separately for assessment and cash deposit purposes.

The remaining company, Ceramica Regiomontana, received aggregate benefits from all countervailing programs combined which was not significantly different from the weighted-average country-wide rate. Since this company was the only company receiving subsidies greater than *de minimis*, its rate was calculated based on the unweighted aggregate benefits the company received from all countervailing programs.

Analysis of Programs

(1) FOMEX

Until it was eliminated by decree on December 30, 1989, the Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX) was a trust of the Mexican Treasury

Department, with the National Bank of Foreign Trade acting as trustee for the program. In this capacity, the National Bank of Foreign Trade, through other financial institutions, made FOMEX loans available, both in U.S. dollars and Mexican pesos, at preferential rates to Mexican manufacturers and exporters for pre-export and export financing. We consider the benefit from preferential loans to occur at the time the interest is paid. On FOMEX pre-export loans, interest is payable at maturity; on FOMEX export loans, interest is pre-paid. Although the Government of Mexico eliminated this program prior to this review period, there were outstanding FOMEX pre-export loans that matured during the review period.

We determine the benefit to be the difference between the interest that the companies would have paid on these loans at the benchmark interest rate and the interest that they actually paid.

Peso-denominated FOMEX pre-export loans under review were granted at annual interest rates ranging from 37.80 percent to 39.50 percent.

As the basis for our benchmark for these loans, we have relied in part on the effective rates for the years 1981 through 1984, as published monthly in the Banco de Mexico's *Indicadores Economicos y Moneda* (i.e.), because the Banco de Mexico stopped publishing data on nominal and effective commercial lending rates in Mexico after 1984. We calculated the average difference between the I.E. effective interest rates and the Costo Porcentual Promedio (CPP) rates, the average cost of short-term funds to banks, for the years 1981 through 1984. We added this average difference to the 1990 average annual CPP rates. For peso-denominated loans on which interest was due during 1990, we calculated an annual benchmark of 66.87 percent.

We found that the annual interest rates that financial institutions charged borrowers for FOMEX pre-export loans outstanding during the review period were lower than commercial rates. We therefore consider pre-export loans granted under the FOMEX program to confer countervailable subsidies because they were granted only to exporters and the amount of interest paid on FOMEX loans is less than would be paid on comparable commercially-obtained financing.

One exporter of the subject merchandise had FOMEX pre-export loans on which interest was paid during the review period. Because we found that the exporter was able to tie its FOMEX loans to exports of subject merchandise to specific countries, we measured the benefit only from FOMEX loans tied to shipments of ceramic tile products to the United States. For this company, we divided the FOMEX benefit received by the value of its total exports of the subject merchandise to the United States during the review period. We then weight-averaged the resulting benefits by the firm's proportion of exports of the subject merchandise to the United States during the review period. On this basis, we preliminarily determine the benefit from FOMEX pre-export loans to be 0.13 percent *ad valorem* for Ceramica Regiomontana and zero for all other companies.

(2) BANCOMEXT Financing for Exporters

Effective January 1, 1990, the Mexican Treasury Department eliminated the FOMEX loan program and transferred the FOMEX trust to the Banco Nacional de Comercio Exterior, S.N.C. (BANCOMEXT). BANCOMEXT offers short-term financing to producers or trading companies engaged in export activities; any company generating foreign currency through exports is eligible for financing under this program. The BANCOMEXT program operates much like its predecessor, FOMEX. BANCOMEXT provides two types of financing, both in U.S. dollars and in Mexican pesos, to exporters: working capital loans (pre-export loans); and loans for export sales (export loans). In addition, BANCOMEXT may provide financing to foreign buyers of Mexican goods and services. In March of 1990 BANCOMEXT discontinued peso-denominated financing. Since the availability of this loan program is restricted to exporters, we consider it countervailable to the extent that the interest rates are preferential.

We found that the annual interest rate that BANCOMEXT charged to borrowers for loans on which interest payments were due during the review period were lower than commercial rates. The BANCOMEXT dollar-denominated loans under review were granted at annual interest rates ranging from 9.1 percent to 9.9 percent. To determine the effective interest rate benchmark for BANCOMEXT pre-export and export dollar-denominated loans granted in 1990, we used the average of the quarterly weighted-average effective interest rates published in the Federal Reserve Bulletin, which resulted in an annual average benchmark of 10.88 percent in 1990.

Peso-denominated BANCOMEXT pre-export and export loans under review were granted at annual interest rates ranging from 39.9 percent to 44.0 percent. As the basis for our benchmark for these loans, we added the average difference between CPP, the average cost of short-term funds to banks, and the I.E. effective rates for the period 1981 through 1984 to the 1990 average annual CPP rate. In this way, we calculated an annual average benchmark of 55.30 percent for BANCOMEXT peso-denominated export loans obtained in 1990.

Based on these benchmarks, we find that the interest rates on BANCOMEXT loans are preferential and, as such, these loans are countervailable.

We consider the benefits from preferential loans to occur at the time the interest is paid. Because interest on BANCOMEXT pre-export loans is paid at maturity, we calculated benefits based on loans that matured during the review period; these were obtained between January and February, 1990. Interest on BANCOMEXT export loans is paid in advance; we therefore calculated benefits based on BANCOMEXT loans received during the review period.

Two exporters of ceramic tile products used BANCOMEXT pre-export and export sales financing. Because we found that the exporters were able to tie their BANCOMEXT loans to specific sales, we measured the benefit only from the BANCOMEXT loans tied to sales of the subject merchandise to the United States. To determine the benefit for each exporter, we calculated the difference between the interest rate charged to exporters for these loans and the benchmark interest rate, and multiplied this interest differential by the outstanding principal. We then divided each company's BANCOMEXT benefit by the value of the company's total exports of subject merchandise to the United States during the review period and then weight-averaged the resulting benefits by the company's proportion of total exports to the United States. On this basis, we preliminarily determine the benefit from this program to be 0.07 percent *ad valorem* for Industrias Intercontinental, 0.02 percent *ad valorem* for Ceramica Regiomontana, and zero for all other companies.

(3) FOGAIN

The Guarantee and Development Fund for Medium and Small Industries (FOGAIN) is a program that provides long-term loans to small- and medium-sized companies in Mexico. Although FOGAIN loans are available to all small- and medium-sized companies in Mexico, the interest rates available under the program vary depending upon whether a company has been granted priority status, and whether a company

is located in a zone targeted for industrial growth. As a result, some companies' loans are granted at lower interest rates than others. Therefore to the extent that this program provides financing at rates below the lowest non-specific rate available under FOGAIN, we consider it countervailable. See, *e.g.*, Final Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Textile Mill Products from Mexico (50 FR 10824; March 18, 1985).

During the review period, one company had a long-term variable-rate FOGAIN loan on which interest payments were due. Because the annual interest rate varied monthly, we treated the loan as a series of short-term loans.

After making three monthly loan and interest payments, the company paid the remaining portion of the outstanding loan balance before it was due. To calculate the benefit on the loan for the three payments on which interest was paid, we used as our benchmark the lowest non-specific interest rate in effect for each FOGAIN loan payment and compared it to the FOGAIN preferential rate for the loan payments made during the review period. We divided the benefit from the loans by the company's total sales to all markets and then weight-averaged the resulting benefit by the company's proportion of total exports of subject merchandise to the United States during the review period. On this basis, we preliminarily determine the benefit from this program to be 0.01 percent *ad valorem* for Barros Tlaquepaque and zero for all other companies.

(4) PITEX

The Program for Temporary Importation of Products used in the Production of Exports (PITEX) was established by a decree published in the *Diario Oficial* on May 9, 1985, and amended in the *Diario Oficial* on September 19, 1986, and May 3, 1990. The program is jointly administered by the Ministry of Commerce and Industrial Development (SECOFI) and the Customs Administration. Under PITEX, exporters with a proven export record may receive authorization to temporarily import products to be used in the production of exports for up to five years without having to pay the import duties normally imposed on those imports. PITEX allows for the exemption of import duties for the following categories of merchandise used in export production: raw materials, packing materials, fuels and lubricants, machinery used to manufacture products for export, and spare parts and other machinery. The importer must post a bond or other security to guarantee the reexportation of the temporary imports. Because it is only available to exporters, we preliminarily determine that PITEX provides countervailable benefits to the extent that it provides duty exemptions on temporary imports of merchandise not physically incorporated into exported products.

During the review period, one company used the PITEX program for temporary imports of machinery and spare parts which are not physically incorporated into exported products. To calculate the benefit from the program, we first calculated the duties that should have been paid on the non-physically incorporated items that were imported under the PITEX program during the review period. We then divided that amount by the company's total exports. We then weight-averaged the resulting benefit by the company's proportion of total exports of subject merchandise to the United States during the review period. On this basis, we preliminarily determine the benefit from this program to be 1.59 percent *ad valorem* for Ceramica Regiomontana and zero for all other companies.

(5) Other Programs

We also examined the following programs and preliminarily determine that exporters of the subject merchandise did not use them during the review period:

(A) Other BANCOMEXT preferential financing;

(B) Fiscal Promotion Certificates (CEPROFI);

(C) Import duty reductions and exemptions;

(D) State tax incentives;

(E) NAFINSA FONEI-type financing; and

(F) NAFINSA FOGAIN-type financing.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 1.74 percent *ad valorem* for Ceramica Regiomontana, 0.07 percent *ad valorem* for Industrias Intercontinental, 0.01 percent *ad valorem* for Barros Tlaquepaque, and zero for all other companies during the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis*.

Upon completion of this review, the Department intends to instruct the Customs Service to assess countervailing duties of 1.74 percent of the f.o.b. invoice price on all shipments of this merchandise exported by Ceramica Regiomontana, and to liquidate, without regard to countervailing duties, shipments of this merchandise from Mexico exported by all other companies on or after January 1, 1990 and on or before December 31, 1990.

The termination of the FOMEX program reduces the total estimated bounty or grant to 1.61 percent *ad valorem* for Ceramica Regiomontana. Therefore, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.61 percent of the f.o.b. invoice price on shipments of this merchandise for Ceramica Regiomontana and to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Act, on all other shipments of this merchandise from Mexico entered, or withdrawn from warehouse for consumption, on or after the date of publication of the final results of this administrative 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 Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: February 11, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-3806 Filed 2-18-92; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–203. University of California, Santa Barbara, Marine Science Institute, Santa Barbara, CA 93106. *Instrument:* Pulsed Amplitude Modulated Fluorometer, Model PAM–101. *Manufacturer:* Heinz Walz, GmbH, Germany. *Intended Use:* The instrument will be used for studies of the fluorescence yield of the reaction center from (an)oxygenic bacteria, or the fluorescence yield of photosystem II from all other phototrophic organisms (including bacteria, prochlorophytes, cyanobacteria, all genera of eukaryotic algae and higher plants). Experiments will be conducted to determine the following:

(1) Relation between oxygen production and fluorescence quenching,
(2) heterogeneity of photosystem II,
(3) quantum yield of photosystem II,
(4) electron transport capacity.

Application Received by Commissioner of Customs: January 15, 1992.

Docket Number: 92–003. *Applicant:* University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. *Instrument:* Electron Microprobe, Model SX–50. *Manufacturer:* Cameca, France. *Intended Use:* The instrument will be used for investigating the elemental concentrations of geologic rocks and minerals to determine primary elemental contents of geologic materials and diagenetic alterations occurring to those materials. *Application Received by Commissioner of Customs:* January 15, 1992.

Docket Number: 92–004. *Applicant:* Vanderbilt University, Clinical Pharmacology, Mass Spectrometry Center, 23rd Avenue South Pierce, 804 Medical Research Building, Nashville, TN 37232–6602. *Instrument:* Mass Spectrometer, CONCEPT 4H. *Manufacturer:* Kratos Instruments, United Kingdom. *Intended Use:* The instrument will be used for studies concerned with the structural characterization of high molecular weight proteins, peptides, DNA adducts, oligonucleotides and with lower molecular weight phospholipids, palladium complexes, platinum complexes and hypervalent compounds. The major user group will employ LSIMS with an array detector in structural identifications in a diverse number of areas including: (1) Structural characterization of Na^+/H^+ antiporter, the prostacyclin receptor and cardiac K^+ channels, (2) studies on cytlchrome P–450 structure and in the characterization of ethylene dibromide-DNA adducts and modified oligonucleotides, (3) characterization of DNA-carcinogen adducts, and (4) characterization of structure of prostaglandin synthase using photoaffinity labelling techniques. *Application Received by Commissioner of Customs:* January 17, 1992.

Docket Number: 92–005. *Applicant:* Rutgers University, Busch Campus, Piscataway, NJ 08855–1059. *Instrument:* (4) Micromanipulators and Micro Electrode Fabrication. *Manufacturer:* Narishige Scientific Instrument Lab, Japan. *Intended Use:* The instrument will be used to characterize the electrophysiological properties of nerve cells in tissue culture. Both the whole-cell and single-channel configurations of the patch-clamp techniques will be used. *Application Received by Commissioner of Customs:* January 17, 1992.

Docket Number: 92–006. *Applicant:* Research Foundation of SUNY at Albany, 1400 Washington Avenue, Albany, NY 12222. *Instrument:* Infrared Neon Gas Laser. *Manufacturer:* MPB Technologies Inc., Canada *Intended Use:* The instrument will be used in work involving the development of fixed frequency infrared gas lasers which will be used in conjunction with the powerful methods of FM spectroscopy. The research consists of the following activities:

(1) Development of the laser light source and determination of the appropriate H_2O_2 absorption line for atmospheric measurement.

(2) Development and optimization of a research quality laser absorption spectrometer for the measurement of H_2O_2 in the laboratory.

(3) Testing of this instrument with atmospheric air.

(4) Building and testing a prototype field instrument for the measurement of hydrogen peroxide.

(5) Repeating steps (2) through (4) for methane.

Application Received by Commissioner of Customs: January 17, 1992.

Docket Number: 92–007. *Applicant:* Virginia Polytechnic and State University, Materials Engineering Department, 213 Holden Hall, Blacksburg, VA 24061. *Instrument:* Plasma Etcher, Model CSE–2120L. *Manufacturer:* ULVAC, Japan. *Intended Use:* The instrument will be used for research which deals with a new DRAM cell of unique structure, in which the SiO_2 storage insulator is replaced by a ferroelectric material lead-zirconate-titanate (PZT). The objective of this research is to identify the most desirable film characteristics for DRAM applications which include: Composition, type and concentration of the dopant, microstructure and crystal structure. In addition, identification of a material for contact metallization that does not react with the ferroelectric and act as a barrier for Si diffusion during fabrication of the integrated circuit and over the lifetime of the part, is essentially important. Another objective is developing dry etching technology for anisotropically etching PZT films if needed for fine geometries. The instrument will also be used for instructional purposes in the courses MSE 5994 Research and Thesis and 7994 Research and Dissertation.

Application Received by Commissioner of Customs: January 17, 1992.

Docket Number: 92–008. *Applicant:* Washington University, Department of Anesthesiology Research, 494 Parkview Place, St. Louis, MO 63110. *Instrument:* Rapid Mixing Device, Model SFA–12M. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* The instrument will be used to assay the enzyme firefly luciferase for luminescence activity. The assay will be used to purify luciferase and to study the effects of anesthetics on its activity. The ultimate purpose of these experiments is to correlate anesthetic inhibition of luciferase activity with anesthetic binding to luciferase. *Application Received by Commissioner of Customs:* January 17, 1992.

Docket Number: 92–009. *Applicant:* The University of Montana, Missoula, MT 59812. *Instrument:* Electron Microscope, Model H–7100. *Manufacturer:* Hitachi Scientific Instruments, Japan. *Intended Use:* The instrument will be used for the following research projects:

(1) Electron microscopy analysis of schistosome-snail interactions.

(2) Investigations of the surface of *Neisseria gonorrhoeae.*

(3) Inactivation of a feline AIDS virus in AZT-treated cells.

(4) Understanding of the functioning structures of influenza virus ribonucleoprotein complexes.

In addition, the instrument will be used for educational purposes in the courses MICB/ZOOL/BOT 414 and 416. *Application Received by Commissioner of Customs:* January 21, 1992.

Docket Numbers: 92–010 and 92–011. *Applicant:* Federal Highway Administration, Pavements Division, HNR–20, 6300 Georgetown Pike, McLean, VA 22101–2296. *Instruments:* Two (2) Large Capacity Thermoregulated Mixers, Model A271 and a Plate Compactor, Model A284. *Manufacturer:* MAP, France. *Intended Use:* The instruments will be used to prepare asphaltic paving mixtures that will be tested using a Pavement Rut Tester in an ongoing research project. These mixtures are primarily composed of asphalt, aggregate and possibly certain modifiers such as polymers. *Applications Received by Commissioner of Customs:* January 22, 1992.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–3808 Filed 2–18–92; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will hold a public meeting on February 26–27, 1992, at the King's Grant Inn, Route 128 at Trask Lane, Danvers, MA., telephone: 508–774–6800. The Council will begin its meeting at 10 a.m. on February 26. The meeting will reconvene on February 27 at 9 a.m.

The first day will be devoted to Council review, discussion and approval of measures for inclusion in the public hearing document now being prepared for Amendment #5 to the Northeast Multispecies Plan. This process may continue through Thursday morning if necessary. After the completion of the groundfish management agenda items, there will be a report on the bycatch workshop recently convened in Oregon. Herring, Scallop and Large Pelagics Oversight Committee reports will follow.

On the second day, the meeting will conclude with reports from the Council Chairman; the Council Executive Director; the National Marine Fisheries Service Regional Director; the Northeast Fisheries Science Center liaison; the Mid-Atlantic Council liaison; and representatives from the Department of State, Coast Guard, Fish and Wildlife Service and Atlantic States Marine Fisheries Commission.

For more information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231–0422.

Dated: February 13, 1992.

David S. Crestin,

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

[FR Doc. 92–3841 Filed 2–18–92; 8:45 am]

BILLING CODE 3510–22–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Proposed Project A Automated Trading System

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rules and rule amendments to implement the Project A automated trading system.

SUMMARY: The Chicago Board of Trade ("CBT") has submitted to the Commission, pursuant to section 5a(12) of the Commodity Exchange Act ("Act") and Commission Regulation 1.41(b), proposed new rules and rule amendments which would establish a Project A automated trading system for the trading of futures contracts, options on futures contracts and other financial products.[1] Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Trading and Markets ("Division") has determined to publish the CBT's proposal for public comment. The Division believes that publication of the proposal is in the public interest and will assist the Commission in considering the views of interested persons.

DATE: Comments must be received on or before March 20, 1992.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–6314.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Special Counsel, or Lois J. Gregory, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Description

By letters dated December 13, 1991 through January 29, 1992, the CBT submitted to the Commission, pursuant to section 5a(12) of the Act and Commission Regulation 1.41(b), proposed new rules and rule amendments which would establish the Project A trading system. Project A would have two principal components: An automated order entry and matching system and an automated bulletin board system.

Project A's order entry and matching system would match orders on a pre-established price/time priority basis and would be used for trading CBT's futures contracts and options on futures contracts where price and quantity would be the only negotiable terms. CBT has indicated that the order matching system would be used as a trading forum for low-volume contracts and as an "incubator" for new contracts which were expected to have substantial growth in the future. Such contracts would trade exclusively over the Project A system during conventional CBT trading hours. The Project A order matching system would use a local area network connecting interactive terminal screens located in participant members' offices throughout the CBT's building. Orders would be matched at the CBT's mainframe computer and trade confirmations would be sent back to the member terminals, to the appropriate clearing member and to the Board of Trade Clearing Corporation ("BOTCC").

Project A's automated bulletin board would allow the CBT to use the same local area network to provide transaction services for various financial products. For example, the system would permit a participating member to post offers to buy or sell customized financial instruments with terms being negotiated through the interactive terminal screens. The CBT and BOTCC also could use Project A's automated bulletin board to provide services to participating members such as trade confirmation, mark-to-market and pay-and-collect information.

[1] The CBT proposal includes proposed new Rules XX.01 through XX.22; proposed amendments to Rules 300.00, 310.00, 333.00, 928.00, 942.00, 943.00, and 1007.00; proposed amendments to Regulations 180.01, 301.12, 320.02, 320.19, 331.01A, 331.02, 336.01, 465.01, and 1008.01; and certain proposed new definitions to Chapter 9 of CBT's rulebook.

II. Request for Comments

Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Trading and Markets, with the concurrence of the General Counsel, has determined, on behalf of the Commission, that publication of the proposed rules and rule amendments is in the public interest and will assist the Commission in considering the views of interested persons. Accordingly, the Division, on behalf of the Commission, is publishing the proposed rules and rule amendments for public comment. The Commission requests comments on any aspect of the CBT's proposed new rules and rule amendments that members of the public believe may raise issues under the Act or the Commission's regulations.

Copies of the proposed rules and rule amendments and related materials are available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Stret, NW., Washington, DC 20581. Copies may also be obtained through the Office of the Secretariat at the above address or by telephoning (202) 254–6314. Some materials may be subject to petitions for confidential treatment pursuant to 17 CFR 145.5 or 145.9.

Any person interested in submitting written data, views or arguments regarding the CBT's proposed Project A automated trading system should send such comments to Jean A. Webb, Secretary, Washington, DC 20581, by the specified date.

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

Alan L. Seifert,

Deputy Director.

[FR Doc. 92–3769 Filed 2–18–92; 8:45 am]

BILLING CODE 6351–01–M

New York Mercantile Exchange Proposal To Implement the NYMEX ACCESS Electronic Trading System

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Proposed Rules and Rule Amendments to implement the NYMEX ACCESS electronic trading system.

SUMMARY: The New York Mercantile Exchange ("NYMEX" or "Exchange") has submitted proposed new rules and rule amendments pursuant to section 5a(12) of the Commodity Exchange Act ("Act") and Commission Regulation 1.41(b) to implement the American Computerized Commodity Exchange System and Services ("NYMEX ACCESS"), the Exchange's proposed electronic trading system. Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Trading and Markets has determined to publish NYMEX's proposal for public comment. The Division believes that publication of NYMEX's proposal is in the public interest and will assist the Commission in considering the views of interested persons.

DATE: Comments must be received on or before March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Patterson, Special Counsel, or Christopher K. Bowen, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Description of Proposed Rules and Rule Amendments

By letter dated January 23, 1992, NYMEX submitted, pursuant to section 5a(12) of the Act and Commission Regulation 1.41(b), proposed new rules and rule amendments to implement NYMEX ACCESS at the Exchange. NYMEX ACCESS is an electronic order matching system for trading in futures and options contracts. Under the proposal, Exchange-qualified NYMEX ACCESS traders could enter limit orders into the system. In general, the system would match these limit orders through an algorithm employing price-time priority.

NYMEX ACCESS is designed to permit any NYMEX futures or options contract to trade on the system. Initially, the Exchange anticipates that light sweet crude oil, heating oil, unleaded gasoline and platinum futures and options contracts would be listed for trading on the system.

Under the proposal, the NYMEX ACCESS trading session would commence at 5 p.m. in the evening and would continue until 8 a.m. the following morning. The trading day would begin with the commencement of the NYMEX ACCESS trading hours and would end with the close of the regular trading hours trading session. The trading week would begin on Sunday evening with the commencement of the NYMEX ACCESS trading session and would conclude on Friday afternoon with the conclusion of regular trading hours.

II. Request for Comments

Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Trading and Markets, with the concurrence of the General Counsel, has determined, on behalf of the Commission, that publication of the proposed rules and rule amendments is in the public interest and will assist the Commission in considering the views of interested persons. Accordingly, the Division, on behalf of the Commission, is publishing the proposed rules and rule amendments for public comment. The Commission requests comment on any aspect of NYMEX's proposed new rules and rule amendments that members of the public believe may raise issues under the Act or Commission regulations.

Copies of the proposed rules and related materials are available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies may also be obtained through the Office of the Secretariat at the above address or by telephoning (202) 254–6314. Some materials may be subject to petitions for confidential treatment pursuant to 17 CFR 145.5 or 145.9.

Any person interested in submitting written data, views, or comments on the proposed rules or rule amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

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

Alan L. Seifert,

Deputy Director.

[FR Doc. 92–3770 Filed 2–18–92; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0102; FAR Case 88–69]

OMB Clearance Request for Prompt Payment

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

ACTION: Notice of a request for an extension to an existing OMB clearance (9000-0102).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office

of Management and Budget (OMB) a request for an extension of a currently approved information collection requirement concerning Prompt Payment.

DATES: Comments may be submitted on or before March 20, 1992.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

The rule contains information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et. seq.

Part 32 of the Federal Acquisition Regulation (FAR) and the clause at FAR 52.232–5, Payments Under Fixed-Price Construction Contracts, require that contractors under fixed-price construction contracts certify, for every progress payment request, that payments to subcontractors/suppliers have been made from previous payments received under the contract and timely payments will be made from the proceeds of the payment covered by the certification, and that this payment request does not include any amount which the contractor intends to withhold from a subcontractor/supplier. Part 32 of the FAR and the clause at 52.232–27, Prompt Payment for Construction Contracts, further require that contractors on construction contracts:

(a) Notify subcontractors/suppliers of any amounts to be withheld, and furnish a copy of the notification to the contracting officer;

(b) Pay interest to subcontractors/suppliers if payment is not made by 7 days after receipt of payment from the Government, or within 7 days after correction of previously identified deficiencies;

(c) Pay interest to the Government if amounts are withheld from subcontractors/suppliers after the Government has paid the contractor the amounts subsequently withheld, or if the Government has inadvertently paid the contractor for nonconforming performance; and

(d) Include a payment clause in each subcontract which obligates the contractor to pay the subcontractor for satisfactory performance under its subcontract not later than 7 days after such amounts are paid to the contractor, include an interest penalty clause which obligates the contractor to pay the subcontractor an interest penalty if payments are not made in a timely manner, and include a clause requiring each subcontractor to include these clauses in each of its subcontractors and to require each of its subcontractors to include similar clauses in their subcontracts.

These requirements are imposed by Public Law 100–496, the Prompt Payment Act Amendments of 1988.

Contracting officers will be notified if the contractor withholds amounts from subcontractors/supplies after the Government has already paid the contractor the amounts withheld. The contracting officer must then charge the contractor interest on the amounts withheld from subcontractors/suppliers. Federal agencies could not comply with the requirements of the law if this information were not collected.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, *4,000*; responses per respondent, *3*; total annual responses, *12,000*; preparation hours per response, *33*; and total response burden hours, *4,000*.

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, *20,000*; hours per recordkeeper, *18*; and total recordkeeping burden hours, *360,000*.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0102, FAR case 88–69, Prompt Payment, in all correspondence.

Dated: February 11, 1992.

Laurie A. Frazier,

FAR Secretariat.

[FR Doc. 92–3844 Filed 2–18–92; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board Task Force on the Future of American Nuclear Forces

ACTION: Notice of task force meeting.

SUMMARY: The Defense Policy Board Task Force on the Future of American Nuclear Forces will meet in closed session on 3–4 March 1992 from 0800 to 1700 at the IDA Facility located at 1801 North Beauregard, Alexandria, VA 223311. The mission of the Task Force is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning matters relating to U.S. nuclear force policy. At the meeting the Task Force will hold classified discussions on national security matters.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended [5 U.S.C. App. II, (1982)], it has been determined that this Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1992), and that accordingly this meeting will be closed to the public.

Dated: February 13, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–3823 Filed 2–18–92; 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 Global Reach-Global Power will meet on 5 March 1992, at the ANSER Corporation, Crystal Gateway 3, 1215 Jefferson Davis Highway, Arlington, VA, from 12 noon to 4 p.m.

The purpose of this meeting is to review preliminary findings.

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.

Grace T. Rowe,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 92–3825 Filed 2–18–92; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

February 7, 1992.

The USAF Scientific Advisory Board Arnold Engineering Development Center (AEDC) Advisory Group will meet on March 23–24, 1992 from 8 a.m. to 4 p.m. Central Time at Arnold Air Force Base, Tennessee. This meeting was originally scheduled for March 16–17, 1992.

The purposes of this meeting will be to acquaint the new AEDC Advisory Group members with the mission and test facilities of AEDC and to receive feedback from the AEDC Advisory

Group on the planning process that is used to identify/select/fund/build AEDC's technical facilities. This meeting will be closed to the public, in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92–3759 Filed 2–18–92; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Aerial Cable Test Capability, White Sands Missile Range, New Mexico; Record of Decision

Introduction

Pursuant to Council on Environmental Quality regulations implementing the National Environmental Policy Act, this document records the U.S. Army decision to implement proposed actions for the Aerial Cable Test Capability (ACTC) at White Sands Missile Range, New Mexico.

Changing world environments and Congressionally mandated Department of Defense (DoD) budget restrictions have created a need for more efficient and less costly measures for completing critical DoD missions. As part of the Defense Central Test and Evaluation Investment Program (CTEIP), the Department of the Army has developed a program using reusable targets suspended from an aerial cable to provide greater threat realism for testing ground-to-air missiles and for testing a wide variety of active and passive electronic and optical measures. Cost savings associated with using this aerial cable system are estimated at discounted present worth of $151 million over the projected 25-year life of the facility. On an annual basis, the new aerial cable system will consume less than $2 million per year (excluding initial and recurring investments) for operational costs compared with an estimated $28.6 million per year using present techniques.

DoD agencies are engaged in ongoing development of weapons systems and countermeasures equipment. Testing of this class of material includes a large number of component and subsystem tests in addition to system level tests. Some tests require use of material dropped from airplanes; other tests require use of missiles launched against obsolete aircraft and drones. The aerial cable will replace such tests, thus eliminating the operating costs and risks involved in using aircraft.

A less expensive alternative for certain aerial testing is available through the use of an aerial cable and trolley/target system. In this approach, a single aerial cable is suspended between two mountain tops of different altitudes, and a trolley travels along the cable. This trolley can accelerate by gravity or by rocket assist. Aerial targets are suspended from the trolley, or test items are dropped from the trolley. This method of testing has proven to be less expensive than using aircraft. Other beneficial attributes include reusable targets and fast turnaround of tests.

Aerial cables were originally used by Sandia National Laboratories (SNL) to hoist sensitive weapons shipping containers to elevated positions for high velocity impacts tests. DoD has made extensive use of the aerial cable facility at SNL. The DoD components have found the facility to be an extremely useful and cost-effective method of performing developmental testing. The SNL facility was developed for different types of applications and has severe limitations for the range of test activities to be conducted at the new Aerial Cable Test Capability (ACTC). Furthermore, the controlling agency for SNL land use, Kirtland Air Force Base, has determined for safety reasons that live missile tests no longer can be conducted at the SNL aerial cable facility.

Construction of the new DoD ACTC will require a 15,000-foot-long cable, mobile targets and trolleys, and supporting facilities including construction of Upper and Lower Anchor, Support, Winch, and Explosive Storage sites. The cable will be stretched between the two anchor sites located on mountains. A rail-mounted device will be built underneath a portion of the cable to serve as a controlled path for a rocket-assisted special test fixture fastened by overhead restraints to the cable-borne trolley to increase the acceleration and resulting ground impact velocity for material dropped from the cable. An existing jeep trail affords access to the Upper Anchor site for one of the alternative sites, and an existing jeep trail will be improved to meet the requirements for a missile firing line. Areas will be cleared for access roads and building sites; buildings will be erected, and a sanitary waste disposal system will be installed. Electricity distribution systems will be extended to either alternative site from existing power distribution systems.

The ACTC will be used for engineering tests involving up to 80 live missile firings per year, and up to 320 other tests involving material dropped from the aerial cable or tests of electroptical and electronic sensors using cable-borne trolleys. Missiles launched at aerial targets will be inert; i.e., no live warheads will be used. Tests would involve a range of electronic and explosive ordnance material.

Alternatives

Originaly, 19 different locations within the continental United States were considered for this project. These locations were one each at China Lake, Nellis Air Force Base (AFB), Yuma Proving Grounds, Goldwater Bombing Range, Rattlesnake Ridge (Fort Bliss), Madera Canyon (Kirtland AFB), Eglin AFB, and eleven sites at White Sands Missile Range (WSMR). After site evaluations were completed, two candidate locations were selected for complete environmental analyses as reasonable alternatives. The sites deleted from consideration either were less suitable operationally than the reasonable alternatives, or created a potential for unacceptable levels of interference with other DoD programs.

Three alternatives were considered in the Final EIS. The first is to install the proposed ACTC at Jim Site at WSMR. The second is to install the proposed at ACTC at Fairview Mountain at WSMR.

The third is the no action alternative. The impacts associated with each of these three alternatives were analyzed in the Final EIS.

No Action Alternative

As noted above, the ACTC would supplant current DoD testing conducted through use of a combination of drone targets and manned aircraft flights. If the ACTC is not constructed (the no action alternative), current operations could continue. To duplicate the testing proposed for the ACTC facility, conventional range operations would have to be undertaken as follows:

- Up to 65 drone targets would be launched annually.
- Up to 33 of these would be destroyed.
- Up to 15 manned aircraft missions would be flown to test a short-range air-to-ground missile.
- Up to 335 manned aircraft sorties would be flown annually, including those needed to test the short-range missile.

Conventional range operations have environmental impacts. The environmental impact of those operations will continue if the ACTC facility is not constructed. Some of the more significant environmental consequences of current range

operations that would not occur with the ACTC in place are summarized here.

Aircraft sorties are typically flown using combat aircraft. Under the no action alternative, three hundred and thirty-five sorties would be expected to consumer an estimated 335 tons of fuel annually. Using standard emission factors, the consumption of 335 tons of aircraft fuels would lead to the production of up to 120 tons per year of airborne gaseous contaminants. Drone aircraft typically consume 650 pounds of fuel per mission. Sixty-five missions would require an additional 21 tons of annual fuel consumption, and would represent an additional 75 tons of air contaminants.

Because live missile are fired and impact drones, some 33 drones would be destroyed annually. The destroyed drones would crash and spread debris on the range. Most of the residue from these crashes would be recovered, but some residual contamination would occur. Because drones are powered by jet engines, some of the residue would be hydrocarbon fuel and engine oil. A crash also represents a risk of igniting a range fire.

Conventional range operations consume significant quantities of scarce natural resources. The ACTC facility would reduce that consumption. Under the no action alternative, flight operations over the 25-year lifetime of the facility would consume over 8,900 tons of petroleum fuel and produce 3,200 tons of air contaminants. Up to 825 drone aircraft would be destroyed at an average cost of approximately $500,000 each depending on configuration and equipment aboard. Each drone contains significant quantities of scarce and strategic metals and other materials.

The no action alternative would preclude all adverse and beneficial ACTC environmental and economic impacts, but it would continue adverse environmental impacts of current operations.

Alternative Sites

The Final Environmental Impact Statements (EIS) for this project evaluates two alternative sites at WSMR:

Jim Site, the preferred alternative, is a combination of a high mountain peak and an adjacent lower hill. The cable would be suspended between the two hills.

Fairview Mountain, would be a combination of a high mountain peak and a man-made tower 600 to 1,000 feet high. The cable would be suspended between the mountain and the tower.

At both alternative sites, buildings would be constructed, a sanitary waste disposal system would be built, and electrical distribution lines would be constructed. Because the Fairview alternative would require construction of a new access road approximately 7.2 miles long to the top of Fairview Mountain, and because an expensive tower would have to be constructed, this alternative site would cost $20 million more than would the Jim Site alternative. In addition, because the tower would limit the operational flexibility of the site because of safety concerns for potential missile impacts on the tower, the Fairview alternative is less suitable than Jim Site from an operational perspective.

Impacts/Mitigation

Environmental analyses were made for candidate locations at Jim Site and Fairview Mountain. These analyses are used in the Final EIS to develop potential environmental consequences.

Based on records, reports, and visits to the prospective ACTC sites, qualified experts reviewed the potential environmental impacts within applicable expertise. Using an interdisciplinary approach, each of the potential environmental factors was evaluated to determine if an environmental effect would result from ACTC construction and operation. These potential impacts are summarized below.

Construction and operation of ACTC at Jim Site would have minimal consequences for most of the environmental categories. During construction of ACTC facilities, 910 acres would be temporarily disturbed and approximately 143 acres would be transformed to include removal of vegetation and soil disturbance. An additional 60 acres would be disturbed frequently by missile recovery operations in the nominal missile impact area. This habitat disruption effects only a tiny percentage of the suitable habitat for mule deer, pronghorn antelope, and oryx. Accordingly, no significant impact will result to these species. For the Fairview alternative, acreage for habitat disruption would be similar to Jim Site; however, the construction of the access road to the top of Fairview Mountain and construction of the tower would have more significant impact than construction activities at Jim Site.

Construction at Jim Site could cause loss of one individual plant of the New Mexico endangered long-stemmed talinum. The plant will be transplanted outside of construction area. Chances of survival are low; however, the loss of this individual plant does not threaten the species. Final construction siting will avoid this one plant. ACTC operations have an insignificant potential cumulative annual risk that these operations would cause the destruction of one individual plant on the federal or New Mexico threatened or endangered species lists. The area includes one federal Category 2 plant species (grama grass cactus), and three New Mexico endangered species (Wright's fishhook cactus, white-flowered visnagita, and long-stemmed talinum). The cumulative risk of loss indicates that less than one individual plant on the lists of threatened or endangered species would be destroyed in the 25-year expected life of the ACTC facility. The potential loss of one individual plant on this list does not represent a significant potential for permanent and irreversible harm to the survival of the species. For the Fairview alternative, the same plant species exist in greater density. Accordingly, the potential risk to sensitive plant species is greater at Fairview than at Jim Site.

An analysis has been completed of air emissions and fugitive dust from construction and operations. At Jim Site an estimated 30 tons of dust and 13 tons of gaseous atmospheric contaminants per year would be generated during construction. The gaseous contaminants represent an insignificant impact to the environment. Annual emission rate of dust would slightly exceed the New Mexico Standard for Significant Emission Rates; however, concentrations would not exceed the state and federal significant impairment levels. Moreover, naturally occurring dust levels are high enough that dust generation by ACTC construction at Jim Site does not represent a significant impact. For the Fairview alternative, between 77 and 164 tons of dust would be generated during construction depending upon the type of tower constructed. Annual emission rate of dust would greatly exceed the 25 tons per year allowed by the New Mexico Standard for Significant Emission Rates.

During operations at either alternative site, annual dust emissions of approximately 23.5 tons would be less than the New Mexico Standard for Significant Emission Rates. Mitigation measures will prevent the amount of lead released into the atmosphere from exceeding the New Mexico Standard for Significant Emission Rates.

Construction and operation of ACTC at Jim Site has the potential for significant impact to the federally and New Mexico protected raptors, Colorado chipmunks, Texas horned lizards, and Oscura Mountains land snails. Mitigation measures which are described in detail in the Final EIS will prove adequate to assure that potential impacts can be reduced to

insignificance. Mitigation measures for the chipmunks, lizards and snails include avoidance, restrictions in construction and in access which will be enforced by clauses in the contract and by standard operating procedures (SOPs). Mitigations for raptors are described below. For the Fairview alternative, construction and operation has the potential for significant impact to raptors and Texas horned lizards. Mitigation measures are the same as those for Jim Site.

At either site, noise levels from the construction equipment and blasting could be up to 120 dB (at one meter distance) and less than 80 dB (100 meters away) at the building sites and along the roads. These noise levels have potentially significant impact on human health and nesting raptors. Construction operations at Fairview would involve twice as much heavy equipment and construction blasting; hence, elevated noise levels would be environmentally disturbing over a longer period than at Jim Site. Human health concerns will be mitigated to insignificance by imposing requirements for hearing protection for equipment operators and by imposing mandatory evacuation measures for other personnel who might be exposed to elevated levels of noise. These requirements and measures are already incorporated in WSMR SOPs. Concerning potentially significant impact to protected raptor species, two possible raptor nests were identified near the preferred Jim Site, and two raptor nests are located near the Fairview alternative site. None of these nests were occupied during raptor surveys. Depending on the results of a follow-on raptor survey after final site selection, a potential concern is that the noise from ACTC could disturb the mating and nesting cycle. Potential impact from construction noise will be mitigated by imposing limitations on explosive weight and by proper tamping of the explosive charges. If the presence of nesting raptors is confirmed by follow-on surveys, effects of operational noise from the cable-dropped munitions and booster rockets will be minimized by mitigation measures developed in consultation with the U.S. Fish and Wildlife Service. These measures will be implemented by National Range Operations Policy Letter or incorporated into the ACTC operations SOP.

Potential electromagnetic interference and radiation hazards from ACTC operations at either alternative site would consist of safe levels currently resulting from equipment now in service at WSMR. These levels meet current standards for human health and safety; the ACTC project would impose no unusual usage for these items. Specific equipment items will be determined for each ACTC test during test scheduling; coordination will be made with the DoD Area Frequency Coordinator to assure no interference would result.

At Jim Site, fourteen prehistoric sites were found within the area potentially affected by the ACTC project; careful siting of construction sites and mitigation will result in no adverse effects. For eight of these sites, effects will be mitigated by re-siting roads and facilities to avoid the prehistoric sites. Effects on four sites will be mitigated by a data retrieval program if testing for significance results in a finding of eligibility for inclusion in the National Register of Historic Places. Surveys found three earthen tanks; two of these tanks are not associated with structures or artifacts and are not considered to be eligible for inclusion on the National register of Historic Places. Two minor prehistoric sites contained historic components. South 10,000 Bunker (part of Trinity Site National Historic Landmark) is outside the nominal missile impact area; nevertheless, as a mitigation measure, this site was recorded. Askania Tower at Miller's Watch, of interest to early WSMR history, is within the nominal missile impact area. This site was recorded to mitigate potential effects. McDonald Ranch House (also part of Trinity Landmark) is located in the nominal missile impact area. Mitigation measures to protect this structure include limitations on missile launch azimuths and range to limit the risk of planned missile impacts within a distance of 0.5 km away from the structures. The Mitigation Plan contained in the Final EIS for this project includes the WSMR commitment to repair any unplanned damage that might occur to the McDonald Ranch House complex.

To minimize potential risks to cultural resources resulting from missile recovery operations, vehicular access will be tightly controlled, and limited to existing jeep trails which will be surveyed to assure absence of cultural resources. These controls will be implemented by application of existing WSMR Recovery SOPs. Final engineering design will include consultation with the New Mexico State Historic Preservation Officer (NMSHPO) to assure that new ACTC structures and new roads will not be visible from the Trinity Site National Historic Landmark. If determined to be visually objectionable, the aerial cable will be lowered to preclude visual impact, and the aircraft warning lights would be turned off during the twice-annual public access days. Application of proposed mitigation measures should reduce potential adverse effects. All mitigative actions will be conducted in consultation with the NMSHPO and in accordance with Section 106 of the National Historic Preservation Act. Mitigation measures developed will be implemented by incorporation in contract clauses (for construction and design measures) and by policy letter for measures concerning public access. Effectiveness will be monitored by the WSMR Environmental Services Archeologist.

For the Fairview alternative, the area contains a high density of prehistoric and historic resources. An estimated 1,350 prehistoric sites could exist in the area influenced by operations at the Fairview alternative. The area also contains three historic structures rich in cultural resources, and an additional historic structure area lies just outside the nominal ACTC missile impact area. These historic and prehistoric areas would be protected by mitigation measures including restrictions to missile launch azimuths and ranges, and by placing the sites off limits to all personnel. Nonetheless, the increased human presence in this area would cause potential for adverse effect. Effectiveness will be monitored by the WSMR Environmental Services archeologist.

Erection and operation of the 15,000-foot-long cable assemblage represents a potentially significant flight obstruction to presently scheduled military aircraft training operations. The presence of a 600 to 1,000 foot tower at Fairview causes this alternative to have greater potential for aircraft flight hazards than the Jim Site alternative. Aircraft force structure changes occurring in the next several years at Holloman AFB will reduce aircraft sortie rates in WSMR airspace by approximately 60 percent. Accordingly, many fewer aircraft potentially will be exposed to flight obstructions, and joint scheduling of ACTC and aircraft operations will minimize potential conflicts. WSMR's mission as a research and development support facility requires that training missions be given a lesser priority during the scheduling process. Additionally, the airspace scheduling process assures that pilots in the area are aware of local hazards to aviation. Mitigation measures including scheduling will minimize potential impact on aircraft flight safety.

Analyses were conducted to determine the impacts of ACTC

construction and operation on energy resources. ACTC predicted peak electricity requirement of 1,664,000kWh per year represents a 2 percent increase over existing WSMR consumption. Existing distribution lines with adequate capacity are within 3 miles of Jim Site, and power distribution lines can be extended to Jim Site with insignificant environmental effects. These power distribution lines will be constructed to meet requirements for protection to raptors from entanglement and electrocution. For the Fairview alternative, the required new distribution lines would be almost 11 miles long and would represent greater disturbance during construction and a higher risk of raptor disturbance during operation than the Jim Site alternative.

The study of the environmental effects of installing and operating ACTC at either alternative site also included investigation of the effects of soil compaction and settling, waste control during construction and operation, impact of ACTC construction and operation on ground water supplies, and potential impact to human health from elevated noise levels. Socioeconomic concerns have been analyzed including economic base, employment, housing availability, schools, and community protective services. A positive impact could result on the economic base and employment rates at the nearest affected community, Carrizozo. Based on the factors considered in the Final EIS, potential impacts from sanitary waste discharge systems and hazardous and toxic wastes are insignificant. The cumulative effect of these categories is projected to result in an insignificant impact.

The potential for significant effect at Jim site will be mitigated to ensure environmental impacts are avoided, minimized, and properly mitigated where unavoidable. A summary of mitigation measures to be taken prior to initiation of construction and measures to control sensitive cultural resources are summarized as follows.

Potential impacts to threatened and endangered plant species will be mitigated by avoidance. Final facilities siting actions will be monitored by a qualified botanist to assure actions are taken to avoid identified and marked threatened and endangered plant species.

Potential impacts to nesting raptors will be mitigated by actions to be taken in consultation with the U.S. Fish and Wildlife Service and the New Mexico Game and Fish Department based on the results of a follow-on raptor survey to be completed after final site selection and before initiation of construction. Agreements reached through consultation will be implemented by policy letters or SOPs when the measures pertain to recurring operations. Potential visual impacts to Trinity Site National Historic Landmark will be mitigated by assuring that final site selection considers visual impact to Trinity Site National Historic Landmark, and by facilities siting to minimize visual contrast as viewed from Trinity Site. In addition, road construction corridors will be revegetated so that the road corridor blends with the natural terrain (revegetation will be a requirement included in the construction contract). Moreover, structures will be painted so as to blend with the natural terrain. Potential impacts to the historic McDonald Ranch House complex (part of Trinity Landmark) will be mitigated by using a 0.5-km radius buffer zone, created on McDonald Ranch House, in which no planned missile impacts will occur. The Advisory Council on Historic Preservation has reviewed the mitigation measures proposed in the Draft EIS and agrees that no adverse effects would result for McDonald Ranch House or Trinity Site National Historic Landmark. Potential impacts to human health from elevated noise levels will be mitigated by operational procedures designed to assure that hearing protection measures are employed, and that personnel will be evacuated from areas of high noise level during scheduled testing operations.

Decision

In considering the advantages of the ACTC project compared to the costly and environmentally significant impact resulting from current testing operations (the no-action alternative) I have decided that the Army will construct the ACTC project.

After considering all alternatives and based on the analyses and evaluation process completed for the Aerial Cable Test Capability, I have decided that the best location for this project is Jim Site at White Sands Missile Range, New Mexico. Construction of the project will begin in fiscal year (FY) 92. That location offers the greatest cost savings over the short- and long-term to meet Army and DoD objectives.

This decision is based on my review of the Final Environmental Impact Statement (FEIS) entitled "Aerial Cable Test Capability," dated October 10, 1991, which was filed with the Environmental Protection Agency on November 22, 1991. I have considered comments and suggestions which were offered by the public and governmental representatives. Jim Site is clearly the environmentally preferred alternative. Jim Site is also the Army's preferred alternative from technical and operational considerations, and is the less costly of the two alternative sites in initial and long-term costs.

A complete Mitigation Plan, including those measures which will be taken to reduce impacts to insignificance for other environmental categories, is included in the Final EIS, and that Mitigation Plan is incorporated into and adopted by this decision.

Monitoring/Enforcement

The extent and complexity of the mitigation which is part of this decision mandates a monitoring program. The program will ensure both enforcement and effectiveness of the stated mitigation measures to ensure compliance with environmental standards and controls applicable to the ACTC.

Commander, U.S. Army, White Sands Missile Range, New Mexico, will have overall responsibility for implementation of the mitigation plan, development of alternative standards, and for implementation of the monitoring program. The Army will provide all necessary resources to execute the mitigation plan.

Enforcement monitoring will include review of all efforts to be performed at the ACTC to include all proposed contracts involving test activities at the ACTC to ensure that those efforts contain appropriate contract provisions consistent with planned mitigation. Funding of planned activities will be made contingent on review and consistency with the mitigations outlined in the FEIS.

Effectiveness monitoring will include development of plans for relevant mitigation actions. Baseline data will be developed as the measure against which effectiveness will be judged. Monitoring results of relevant mitigation will be made available to commenting agencies and to the public upon request. Routine reporting on the status and results of mitigation actions will be accomplished annually through normal command channels.

Dated: December 30, 1991.

Walter W. Hollis,

Deputy Under Secretary of the Army (Operations Research).

[FR Doc. 92-3860 Filed 2-18-92; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Following Actions in the East Channel of the Mississippi River at Prairie due Chien, WI

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The St. Paul District, Corps of Engineers, has received a permit application from Prairie Sand and Gravel, Inc., to develop/expand port facilities in the East Channel of the Mississippi River at Prairie du Chien, Wisconsin, for the following activities: (1) Regulatory Permit Actions to Expand/Develop Commercial/Recreational Port Facilities; (2) Corps of Engineers Operation/Maintenance Activities; and (3) Other Federally-Authorized Commercial/Recreational Uses.

Nationally significant natural, cultural, and socioeconomic resources exist in the vicinity of Prairie due Chien. Development or expansion of port facilities and the expected associated increase in navigational activities could result in significant impacts to these resources. To achieve an environmentally sustainable permit decision, and EIS which evaluates the pending permit actions, and operation/maintenance of the Federally-authorized nine-foot channel, commercial harbor and small-boat harbor projects in the East Channel will be prepared.

FOR FURTHER INFORMATION CONTACT: Questions concerning the DEIS can be directed to: Colonel Richard W. Craig, District Engineer, St. Paul District, Corps of Engineers, Attn: Mr. Dave Ballman, 180 Kellogg Blvd. E., room 1421, St. Paul, Minnesota 55101–1479, (612) 220–0373.

SUPPLEMENTARY INFORMATION: An array of alternatives to port facility development/expansion and operation/maintenance of the Federal channel and harbor projects in the Prairie due Chien area will be evaluated, including, but not limited to: (1) Development/expansion at various sites with continued operation/maintenance of the East Channel, (2) development/expansion at various sites with limitations on navigation activities and operation/maintenance of the East Channel, (3) development/expansion at various sites with no further operation/maintenance of the East Channel and (4) no action (permit denial with continued operation/maintenance of the East Channel on an as needed basis).

Significant issues and resources to be analyzed in the DEIS will be identified through coordination with responsible Federal, State and local agencies, the general public, interested private organizations and parties, and affected Native Americans. Anyone who has an interest in participating in the development of the DEIS is invited to contact the St. Paul District, Corps of Engineers.

Significant issues identified to date for discussion in the DEIS are as follows:

1. Impacts on the Federally-listed endangered species *Lampsilis higginsi* and other mussel species,
2. Impacts on significant cultural resources in the Prairie du Chien area,
3. Impacts on Federally-authorized projects (Nine-foot Channel, commercial harbor, small-boat harbor),
4. Impacts on the Upper Mississippi River Wildlife and Fish Refuge.

Additional issues of significance will be identified through public and agency meetings. An initial public scoping meeting will be held at an as yet undetermined date, place and time. A notice will be published or aired in local media (newspapers and radio) once this initial meeting has been scheduled. Additional meetings will be held as deemed necessary.

Our environmental review and consultation will be conducted according to the requirements of the National Environmental Policy Act of 1969, National Historic Preservation Act of 1966, Council on Environmental Quality Regulation, Endangered Species Act of 1973, Clean Water Act, Rivers and Harbors Act of 1899, and applicable Corps and Engineers regulations and guidance.

We anticipate that the DEIS will be available to the public in June of 1993.

Dated: February 7, 1992.

Richard W. Craig,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 92–3843 Filed 2–18–92; 8:45 am]

BILLING CODE 3710–CY–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.235L]

Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps

Notice inviting applications for new awards for fiscal year (FY) 1992.

Purpose of Program: This program provides support through grants or cooperative agreements to State and other public and nonprofit agencies and organizations to expand or otherwise improve rehabilitation services for individuals with severe handicaps.

This program as well as the invitational priority supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by providing vocational rehabilitation, retraining, and placement for individuals with handicaps. These services will help to prepare participants for responsible citizenship, further learning, and productive employment as called for by the National Education Goals.

Awards under this competition are for one-time start-up costs for projects designed to initiate a system of regional (multi-State) comprehensive head injury rehabilitation and prevention centers.

Eligible Applicants: States and public and nonprofit agencies and organizations are eligible to apply for awards under this program.

Deadline for Transmittal of Applications: April 15, 1992.

Deadline for Intergovernmental Review: June 15, 1992.

Applications Available: February 21, 1992.

Available Funds: $6,000,000.

Estimated Range of Awards: $2,800,000–3,200,000.

Estimated Average Size of Awards: $3,000,000.

Estimated Number of Awards: 2.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months. A grant under this competition will include funding for the entire project period. However, disbursement of grant funds will be made throughout the project period on the basis of grantee need and subject to accomplishment of project objectives.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 369 and 373.

Priority: Under 34 CFR 75.105(c)(1) and Public Law 102–170 the Secretary is particularly interested in applications that meet the following invitational priority. An application that meets this invitational priority does not receive competitive or absolute preference over other applications. However, by statute, all applications must be for projects designed to establish regional comprehensive head injury rehabilitation and prevention centers.

Model Centers that demonstrate improved systems of prevention, acute care, and rehabilitation directed at

reducing the human and economic consequences of traumatic head or brain injury, with special emphasis on vocational rehabilitation, retraining, and placement. The activities of the centers may emphasize—(1) Prevention; (2) Outreach; (3) Identification and elimination of barriers to effective rehabilitation services; (4) Systemization of care (improving the organization of the spectrum of services required by people with traumatic head or brain injury); (5) Follow-up by families, schools, and rehabilitation providers; and (6) Close consultation with and participation of individuals with traumatic head or brain injury and their families in the design and conduct of the centers. The Secretary is especially interested in applications from States or regions in the country where the incidence of traumatic head or brain injury is high relative to the national average.

For Application or Information Contact: Bruce Rose, U.S. Department of Education, 400 Maryland Avenue, SW., room 3332, Switzer Building, Washington, DC 20202–2649. To request an application, call (202) 732–1347; to receive further information, call (202) 732–1325; deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 29 U.S.C. 777a(a)(1).

Dated: February 12, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 92-3776 Filed 2-18-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Financial Assistance Award; Intent To Award a Noncompetitive Cooperation Agreement

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive award of cooperative agreement.

SUMMARY: The DOE announces that it plans to award a cooperative agreement to the Environmental Protection Division, Georgia Department of Natural Resources (GDNR), 205 Butler Street, SE, Floyd Towers East, Atlanta, GA 30334, for the conduct of an Investigation of Tritium in Aquifers in Burke County, Georgia. Term of the agreement is eighteen months (18) with DOE support of $800,000. Pursuant to § 600.7(b)(2)(i)(C) of the DOE Assistance Regulations (10 CFR part 600), DOE has determined that a noncompetitive award is appropriate since the applicant is a unit of government and the activity to be supported is related to performance of their function within the subject jurisdiction.

FOR FURTHER INFORMATION CONTACT: Elizabeth T. Martin, Contracts Management Branch, U.S. Department of Energy, Savannah River Field Office, P.O. Box A, Aiken, SC 29802, Telephone: (803) 725–2191.

SUPPLEMENTARY INFORMATION:

Procurement Request Number: 09–92SR18268–001.

Project Scope

Under this agreement, the GDNR will perform a hydrogeologic investigation of tritium in aquifers in Burke County. This agreement will enable the State of Georgia to establish a baseline for monitoring and evaluating the level of tritium contamination and identifying the source of contamination in the shallow aquifers of Burke County. The information will augment the U.S. Geological Survey's Regional Groundwater Study and attempt to characterize the direction of groundwater flow in the vicinity of the Savannah River Site (SRS).

The GDNR is the authorized and qualified state regulatory agency to perform the functions covered by this agreement. Existing agency personnel are familiar with the activities conducted at the SRS and are competent in the duties required to complete the study.

DOE has determined that this award to GDNR on a noncompetitive basis is appropriate.

Issued in Aiken, South Carolina on 10, 1992.

Peter M. Hekman, Jr.,

Manager, DOE Savannah River Field Office, Head of Contracting Activity.

[FR Doc. 92-3850 Filed 2-18-92; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Intent To Award a Noncompetitive Grant

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive award of grant.

SUMMARY: The DOE announces that it plans to award a grant to the Lower Savannah Council of Governments (LSCOG), Aiken, South Carolina, to conduct a regional solid waste management feasibility study. The grant will be awarded for a one-year period with DOE support of $147,478. Pursuant to § 600.7(b)(2)(i)(B) of the DOE Assistance Regulations (10 CFR part 600), DOE has determined that a noncompetitive award is appropriate since the activity would be conducted by the applicant using its own resources or those donated or provided by third parties; however, DOE support of the activity would enhance the public benefits to be derived.

FOR FURTHER INFORMATION CONTACT: Elizabeth T. Martin, Contracts Management Branch, U.S. Department of Energy, Savannah River Field Office, P.O. Box A, Aiken, SC 29802, Telephone: (803) 725–2191.

SUPPLEMENTARY INFORMATION:

Procurement Request Number: 09–92SR18267.001.

Project Scope:

This study will be conducted to evaluate the technical and institutional options available to establish a cooperative solid sanitary waste management program, between the DOE's Savannah River Site (SRS) and the South Carolina Counties of Aiken, Barnwell, Allendale, Bamberg, Calhoun, Orangeburg, Edgefield, Saluda, and McCormick. LSCOG will perform the necessary waste characterization studies and analyses of alternatives for treatment and disposal and for construction and operation of a joint municipal solid waste management program. The treatment and disposal alternatives could range from landfill and public education programs for waste reduction innovations or recycling to a waste to energy facility. A regional concept could benefit the DOE as well as the counties by providing a cost efficient, environmentally sound method to handle municipal waste. In addition, DOE feels this program would protect two of the area's most valuable natural resources—land and groundwater.

The LSCOG was created by the General Assembly of the State of South Carolina for the purpose of coordinating and promoting cooperative programs and actions among its members, for providing technical assistance and to make recommendations on matters affecting the public health, safety, education, pollution control, utilities, planning, development and such other matters as the common interest of the participating governments may dictate. LSCOG is the appropriate entity to perform the functions covered under this grant; and DOE has determined that this award on a noncompetitive basis is appropriate.

Issued in Aiken, South Carolina on February 10, 1992.

Peter M. Hekman, Jr.,

Manager, DOE Savannah River Field Office, Head of Contracting Activity.

[FR Doc. 92-3851 Filed 2-18-92; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Intent To Award a Noncompetitive Grant

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive award of grant.

SUMMARY: The DOE announces that it plans to award a grant to the South Carolina Department of Health and Environmental Control (SCDHEC), 2600 Bull Street, Columbia, SC 29201 for emergency response to radiological and hazardous materials at the DOE's Savannah River Site (SRS) near Aiken, SC. The grant will be awarded for a five-year period at an estimated cost of $2,330,668. Funds of $534,420 will be provided for the first year. Pursuant to § 600.7(b)(2)(i)(C) of the DOE Assistance Regulations (10 CFR part 600), DOE has determined that a noncompetitive award is appropriate since the applicant is a unit of government and the activity to be supported is related to performance of their function within the subject jurisdiction.

FOR FURTHER INFORMATION CONTACT: Elizabeth T. Martin, U.S. Department of Energy, Savannah River Field Office, Contracts Management Branch, P.O. Box A, Aiken, SC 29802, Telephone: (803) 725-2191.

SUPPLEMENTARY INFORMATION:

Procurement Request Number: 09-92SR18264.001.

Project Scope

SCDHEC shall develop and maintain effective State and local radiological and hazardous material emergency preparedness capabilities for responding to an emergency at the SRS. In addition, the grantee will coordinate State and local emergency plans and procedures development, training, and public awareness programs and emergency response exercise participation.

SCDHEC is the authorized and qualified State regulatory agency to perform the functions covered under this grant.

DOE has determined that this award to SCDHEC on a noncompetitive basis is appropriate.

Issues in Aiken, South Carolina on: February 10, 1992.

Peter M. Hekman, Jr.,

Manager, DOE Savannah River Field Office Head of Contracting Activity.

[FR Doc. 92-3852 Filed 2-18-92; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Proposed Scope of Consideration for Potential 1993 Rate Adjustments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Proposal to establish the scope of issues for consideration in BPA's 1993 rate case; opportunity for public review and comment.

SUMMARY: BPA has begun informal discussions that may result in an adjustment to its rates for power and transmission services on October 1, 1993. At a workshop in November 1991, BPA, its customers, and other interested parties began to identify and analyze issues that could be effectively addressed in 1993 or other future rate cases. Informal work groups were established to discuss potential issues.

During BPA's last rate proposal, completed in 1991, BPA considered developing new rate designs. BPA recognizes the continued interest of various parties in the region in alternative rate designs, and plans to address alternative rate designs within the next few years. However, because of the need to address a manageable number of issues for the prospective 1993 rate case, and to enable the analysis of alternative rate designs that comprehend and take advantage of the results of other processes now underway, BPA believes that to propose significant changes in current rate designs would be inappropriate for rates to be filed in 1993. This supports the desire of BPA's customers for rate stability and would avoid consideration of rate design changes at a time when significant uncertainty exists about the circumstances in which the 1993 rates would be applied. Instability could result from making design changes in 1993 that may require changing again in subsequent rate cases. BPA thus proposes that scope of the 1993 rate case would encompass rate case issues concerning revenue requirement (possibly including consideration of a Cost Recovery Adjustment Clause), transmission rate development, implementing the requirements of section 7(b)(2) of the Pacific Northwest Electric Power Planning and Conservation Act, allocation of costs that are new in this rate case, and contested issues raised by parties in the 1991 rate case but deferred by settlement of that case. The proposed scope would not include a redesign of any of the current rate structures.

BPA wishes to receive comments on its proposal to define the issues for consideration in the 1993 rate case. Comments received also will help to determine the scope of the environmental review that BPA performs consistent with the National Environmental Policy Act (NEPA) for decisions that will be made in the 1993 rate case.

BPA will hold a public meeting, in conjunction with the third rate issues workshop, at 9:30 a.m. on March 10, 1992, at the 6th Floor Ballroom, Execulodge-Convention Center, 1021 NE. Grand Avenue, Portland, Oregon 97232, to discuss this proposal to define the scope of the initial 1993 rate case proposal. Participation in this meeting is encouraged, even for those parties who wish to submit written comments. Further details on the substance and process of BPA's proposal appear below.

ADDRESSES: Written comments should be submitted by March 25, 1992, to the Public Involvement Manager—ALP, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Price at the above address or by telephone at 503-230-3478. Callers outside of Portland may call 800-622-4519. Information may also be obtained from:

Mr. George E. Bell, Lower Columbia Area Manager, suite 243, 1500 NE., Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Robert N. Laffel, Eugene District Manager, room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-465-6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-353-2518.

Ms. Carol S. Fleischman, Spokane District Manager, room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-353-2907.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, room 307, 301 Yakima Street, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Terence G. Esvelt, Puget Sound Area Manager, P.O. Box C19030, suite 400, 201 Queen Anne Avenue North, Seattle, Washington 98109-1030, 206-553-4130.

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, 101 West Poplar, Walla Walla, Washington 99362, 509-522-6225.

Mr. Richard Itami, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–9137.

Mr. Thomas H. Blankenship, Boise District Manager, room 450, 304 N. 8th Street, Boise, Idaho 83702, 208–334–9137.

SUPPLEMENTARY INFORMATION: The rate development process takes place in several steps that include months of analysis and numerous opportunities for public comment. There are also several processes preceding the rate-setting process that provide necessary information for setting rates. One of these processes is Programs in Perspective (PIP), in which BPA's program spending levels and financial goals are reviewed and discussed. PIP is a public consultation throughout BPA's service area in which BPA officials discuss agency strategy and financial information with interested persons. Topics alternate annually between specific program funding levels and general strategic issues. The 1992 PIP will engage the region in discussion of BPA's planned program levels for fiscal years 1994 and 1995 in the context of BPA's proposed 10-Year Financial Plan and projected effects on BPA's rates, with emphasis on the 1994–1995 period. Comments received from these discussions will aid BPA in determining its program spending plans and financial goals for the fiscal 1994–1995 period. Information from PIP will become part of the revenue requirement for the 1993 rate case.

In the last several rate cases, BPA and its customers have made a concerted effort to simplify and shorten the formal hearing process. This effort began after BPA's 1987 general rate case, and was prompted by concerns that the process was too long and costly, and unduly contentious and formalistic. Allowing time before the formal proceeding to raise and discuss issues in an attempt to resolve them, and doing this with realistic numbers, enables a shortening of the formal process. BPA's experience has been that reducing the contentiousness and time required for the formal hearings makes the rate-setting process more efficient and productive.

In anticipation of the next biennial BPA rate filing, informal issue work groups were formed at the rate issue workshop in November 1991 to analyze certain rate issues. A second workshop was held on January 8, 1992, to continue discussions and follow up on the progress of the work groups. At the third workshop, scheduled for March 10, 1992, participants will continue discussions from work groups and previous workshops and also will discuss this proposal to define the scope of BPA's initial proposal for the 1993 rate case. The comments received on this proposal will assist BPA in establishing the scope of BPA's environmental review consistent with NEPA for decisions regarding the 1993 rate case.

For a number of reasons, it appears prudent to consider rate design issues after the 1993 rate case. First, there is considerable uncertainty about hydrosystem operations, based on changes which may be adopted in response to the listings of certain salmon species under the Endangered Species Act (ESA) and the ongoing Columbia River System Operation Review (SOR) process. Rate design changes compatible with current operations could require modification to conform to possible changed operations in the future. Rate design changes to influence operations would take a significant period of time to affect operations, and by that time the ESA and SOR processes may dictate a different result. In addition, the results of marginal cost analyses in support of new rate designs could be subject to significant change until river operations are settled.

Second, BPA's business relationship with its customers will be analyzed in the process of negotiating replacement contracts for the current long-term firm power contracts with utilities and Direct-Service Industries. The result of this process may affect BPA's rate designs by changing the terms under which BPA provides firm requirements service. It would be imprudent to attempt to redesign BPA's rates until the general terms of these contracts are known. Once the general terms are known, the rate design can properly reflect the relationship defined by the contracts. Both the SOR and the negotiation of new contracts are scheduled for completion in 1994, not in time for the 1993 rate case.

Third, BPA and rate case participants must also focus on a multitude of important regional activities during this same time period, including resource acquisitions and power purchases to meet load growth, recovery plans for fish and wildlife in the region, and the development of BPA's 10-Year Financial Plan. Rapid developments in these areas will require close attention from all rate case parties.

Fourth, there are numerous unresolved issues which need to be addressed in the 1993 rate case. One area of concern is transmission rates, including a current need to increase transmission rates to reflect actual costs of service and pending Federal legislation that may affect transmission rates. Another area of concern is carryover issues from the 1991 rate case.

Fifth, although regional interest in a "tiered rate" design has stimulated discussion of this type of rate design, preliminary discussions have shown that further analysis is needed before a conclusion can be reached on tiered rates or before a rate proposal can be formulated.

Last, the potential that BPA's revenue requirement will increase substantially to pay for resource acquisitions and fish protection measures will require substantial attention from rate case participants without the added element of rate design.

The combination of uncertainty about future operations and numerous points of potential controversy, even without consideration of rate design alternatives, support analyzing rate designs in a later rate case.

BPA's customers have supported rate design stability to give them greater certainty in their own business planning, and BPA holds rate stability as one of its ratemaking goals. By directing the 1993 rate case toward rate levels, and addressing rate design when the results of the SOR, ESA, and power sales contracts processes are available, BPA will support rate stability over the near term, while allowing time for the completion of projects that will provide a foundation for future consideration of alternative rate designs.

As a consequence of all of the concerns outlined above, particularly the climate of uncertainty at present, BPA proposes to establish the scope of issues to be considered in the development of its initial proposal for the 1993 rate case. The proposed focus is on rate levels and carryover issues from the 1991 rate case, and not redesign of current rate structures.

Issued in Portland, Oregon, on February 7, 1992.

Steven G. Hickok,

Acting Administrator, Bonneville Power Administration.

[FR Doc. 92–3854 Filed 2–18–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project Nos. 2711–001, et al.]

Hydroelectric Applications (Northern States Power Co., et al.)

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. *Type of Application:* License Subesequent.

b. *Project No.:* 2711–001.

c. *Date Filed:* March 27, 1991.

d. *Applicant:* Northern States Power Company.

e. *Name of Project:* Trego Hydro Project.

f. *Location:* On the Namekagan River, Washburn County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Anthony G. Schuster, Northern States Power Company, 100 North Barstow Street, P.O. Box 8, Eau Claire, WI 54702, (715) 839–2401.

i. *FERC Contact:* Mary C. Golato (202) 219–2804.

j. *Comment Date:* March 17, 1992.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D2.

l. *Description of Project:* The license project consists of the following facilities: (1) A northeastern earth embankment section 380 feet long and about 30 feet in maximum height; (2) a southwestern earth embankment section 110 feet long and about 25 feet in maximum height; (3) a reinforced concrete hollow gravity spillway structure of the Ambursen type, 92 feet long, 53 feet wide at the base, and 26 feet high, surmounted with 3 tainter gates, each 25.5 feet long and 10 feet high, and 6-foot wide trashgate and sluiceway; (4) a reservoir about 6 miles long, with a surface area of 470 acres and a storage capacity of 4,700 acre-feet; (5) a reinforced concrete, steel and brick powerhouse 59.5 feet long, 58 feet wide, and 74 feet high above the foundation, located adjacent to the southwest end of the spillway structure; (6) generating equipment consisting of two open flume, vertical-axis Francis turbiner-generator units, No. 1 rated 700 kilowatts (kw), and No. 2 rated 500 kw, for a total capacity of 1,200 kw; (7) a concrete stilling basin apron about 53 feet long and 150 feet wide; (8) transmission facilities; and (9) appurtenant facilities. The applicant proposes no new construction. The dam is owned by the Northern States Power Company. The average annual generation is 7,575,898 kilowatthours.

m. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency , Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merits, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days of the notice issuance date.

2 a. *Type of Application:* Amendment of License.

b. *Project No:* 2892–015.

c. *Date Filed:* January 8, 1992.

d. *Applicant:* Friant Power Authority.

e. *Name of Project:* Friant Power Project.

f. *Location:* On the San Joaquin River in Fresno and Madera Counties, California. The project is located at the U.S. Bureau of Reclamation's Friant Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John Boudreau, Friant Power Authority, 24790 Avenue 95, Terra Bella, CA 93270, (209) 535–4414.

i. *FERC Contact:* Paul Shannon, (202) 219–2866.

j. *Comment Date:* March 16, 1992.

k. *Description of Amendment:* Friant Power Authority requests approval of an as-built exhibit A for the Friant Power Project. The exhibit A describes several as-built project features which are different than those specified in the license. The exhibit A states the generator for the Friant-Kern Powerhouse has an installed capacity of 16,560-kW which is 1,560-kW greater than the authorized capacity of the generator. The actual turbine hydraulic capacity for the Friant-Kern Powerhouse is 3,290 cfs which is 554 cfs greater than the licensed hydraulic capacity. The generator for the Madera Powerhouse has an installed capacity of 8,798-kW which is 798-kW greater than the authorized installed capacity. Also, the actual turbine hydraulic capacity for the River Outlet Powerhouse is 134.5 cfs which is 8.5 cfs greater than the licensed hydraulic capacity.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

3 a. *Type of Application:* Amendment of Exemption.

b. *Project No: 8282–006.*

c. *Date Filed:* December 2, 1991.

d. *Applicant:* Alternative Energy Resources, Inc.

e. *Name of Project:* Steele's Mill Project.

f. *Location:* On Hitchcock Creek in Richmond County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mike Allen, Alternative Energy Resources, Inc., 4053 Friendship Patterson Mill Road, Burlington, NC 27215, (919) 226–5896.

i. *FERC Contact:* Paul Shannon, (202) 219–2866.

j. *Comment Date:* March 13, 1992.

k. *Description of Amendment:* Alternative Energy Resources, Inc. proposes to install 4-foot-high flashboards to the crest of the Steele's Mill Pond Dam. The exemptee states that 4-foot-high flashboards were used at the dam prior to 1945. Also, the exemptee states he has received the rights to the use of all lands that will be flooded by the installation of the flashboards.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

4. a. *Type of Application:* Major License (5MW or less).

b. *Project No.:* 10440–001.

c. *Date filed:* May 24, 1991.

d. *Applicant:* Alaska Power & Telephone Company.

e. *Name of Project:* Black Bear Lake Project.

f. On Black Bear Lake in the First Judicial District on Prince of Wales Island, Alaska, near the communities of Craig and Klawock. The project will be located on private lands and lands within the Tongass National Forest. Township 73 South, Range 82 East, sections 12 and 13; Township 73 South, Range 83 East, sections 7 and 18; Township 72 South, Range 81 East, sections 36, 25, 24, 14, 15, 16, 21, 28, 29, 32, and 31; Township 73 South, Range 81 East, sections 2, 3, and 10.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Robert S. Grimm, President, Alaska Power & Telephone Co., P.O. Box 222, Port Townsend, WA 98368, (206) 385–1733.

Vernon Neitzer, Vice President, Engineering, Alaska Power & Telephone Co., P.O. Box 459, Skagway, AK 99840, (907) 983–2202.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Comment Date:* March 27, 1992.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time-see attached paragraph D3.

l. *Descrption of Project:* The proposed project would consist of: (1) the existing 215-acre Black Bear Lake reservoir with a storage capacity of 23,750-acre-feet at elevation 1,687 feet msl; (2) a submerged siphone intake consisting of a 300-inch-diameter, 150-foot-long steel pipe ending at a manifold with five 48-inch-diameter, 61-in-long steel wedge-wire cylindrical screens; (3) a cacuum pump house; (4) a 4-foot-square, 8-foot-high concrete valve containing a 30-inch-diameter butterfly valve, and 8-inch-diameter bypass and valve and an 8-inch vacum relief valve;

(5) a 24-inch-diameter bypass pipe, upstream of valve vault diverting flow into Black Bear Creek; (6) a 30-inch-diameter, 4,900-foot-long partially buried penstock, ending at the powerhouse with a bifurcation into two 20-inch-diameter branches; (7) a 44-foot-wide, 67-foot-long, 20-foot-high powerhouse containing two 3,175-horsepower twin jet, horizontal shaft Pelton turbines and associated 2,250-kW synchronous generators with a combined installed capacity of 4,500-kW; (8) a 100-foot-long tailrace channel discharging project flows into Black Bear Creek; (9) a switchyard; (10) a 34.5-kV, 14-mile-long transmission line typing into the existing Klawock substation; and (11) 1 mile of new access road.

The project would generate approximately 23,100 MWh of energy annually and cost $10,700,000 in 1990 dollars.

Project access will be via 4 miles of improved existing logging road from state highway.

m. *Purpose of Porject:* To generate renewable power and energy for use on Prince of Wales Island.

n. This notice also consists of the following standard paragraphs: A2, A9 B1, and D3.

o. A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washignton, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Alaska Power & Telephone Company, P.O. Box 459, Skagway, AK 99840, (907) 983–2202, Alaska Power & Telephone Company, P.O. Box 39, Craig, AK 99921, and Craig Public Library, P.O. Box 26, Craig, AK 99921.

5 a. *Type of Application*: Major License.

b. *Project No.*: 10536–001.

c. *Date filed*: May 30, 1991.

d. *Applicant*: Public Utility District #1 of Okanogan County.

e. *Name of Project*: Enloe Dam.

f. *Location*: On lands administered by the Bureau of Land Management, on the Similkameen River, in Okanogan County, Washington; section 13, Township 40 N, Range 26 E.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: Mr. Harlon Warner, PUD No. 1 of Okanogan County, P.O. Box 912, Okanogan, WA 98840, (509) 422–3310.

i. *FERC Contact*: Michael Spencer at (202) 219–2846.

j. *Status of Environmental Analysis*: This application is ready for environmental analysis at this time—see attached paragraph D9.

k. *Description of Project*: The proposed project would consist of: (1) The applicant's existing 54-foot-high concrete gravity dam; (2) the existing 50 surface acre, 400-acre-foot reservoir; (3) two 600-foot-long, 84-inch-diameter penstocks; (4) a powerhouse containing 2 generating units with a combined capacity of 4.10 MW and an estimated average annual generation of 26.8 GWh; (5) a 1,300-foot-long overhead transmission line to the applicant's existing 13.2 kV line; and (6) other appurtenances.

l. *Purpose of Project*: Project power would be used by the applicant.

m. This notice also consists of the following standard paragraphs: A4, and D9.

n. *Available locations of Application*: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction with the applicant contact listed above.

6 a. *Type of Application*: Minor License.

b. *Project No.*: 11163–000.

c. *Date filed*: June 28, 1991.

d. *Applicant*: Consolidated Hydro Maine, Inc.

e. *Name of Project*: South Berwick Dam.

f. *Location*: On the Salmon Falls River in South Berwick Township, in York County, Maine, and Strafford County, New Hampshire.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: Wayne E. Nelson, RR 2, Box 690 H Industrial Ave., Sanford, ME 04073, (207) 490–1980.

i. *FERC Contact*: Ms. Julie Bernt, (202) 219–2814.

j. *Deadline Date*: April 15, 1992.

k. *Status of Environmental Analysis*: This application is not ready for environmental analysis at this time—see attached paragraph D8.

l. *Description of Project*: The proposed project would consist of: (1) An existing 18-foot-high concrete gravity dam owned by the applicant; (2) an existing reservoir with a surface area of 58 acres at surface elevation 24.95 feet m.s.l. and a storage capacity of 116 acre-feet; (3) an intake structure at the left east abutment of the dam; (4) an existing powerhouse containing three generating units with a total rated capacity of 1,200 kW; and (5) appurtenant facilities. The average annual energy generation is estimated to be 4,500 MWh. There is no new construction; therefore, there are no project costs.

m. *Purpose of Project*: Power produced would be sold to a local power company.

n. This notice also consists of the following standard paragraphs: A2, A9, B1, and D8.

o. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of Consolidated Hydro Maine, Inc., RR 2, Box 690 H Industrial Avenue, Sanford, ME 04073, or by calling (207) 490–1980.

7 a. *Type of Application:* Minor License.

b. *Project No.:* 11168–000.

c. *Date filed:* July 22, 1991.

d. *Applicant:* Summit Hydropower.

e. *Name of Project:* Dayville Pond.

f. *Location:* On the Five Mile River in the Village of Dayville in the Town of Killingly, in Windham County, Connecticut.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Duncan Broatch, 92 Rocky Hill Road, Woodstock, CT 06281, (203) 974–1620.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.

j. *Deadline Date:* April 6, 1992.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D4.

l. *Description of Project:* The proposed project would consist of: (1) An existing 5-foot-high stone and concrete dam owned by William Prym, Inc.; (2) a 900-foot-long, 14-foot-wide intake canal which connects with; (3) a 4-pond reservoir system with a surface area of 31 acres at surface elevation 242.9 feet m.s.l. and a storage area of 93 acre-feet; (4) an existing concrete reservoir outlet structure; (5) an existing 42-foot-long, 6-foot-diameter steel penstock; (6) an existing powerhouse containing one generating unit rated at 100 kW; (7) an existing 63-foot-long, 14-foot-wide tailrace; (8) a new 400-foot-long transmission line; and (9) appurtenant facilities. The average annual energy generation is estimated to be 347,000 kWh and the estimated cost of renovation of these facilities is $275,000.

m. *Purpose of project:* Power produced would be sold to a local power company.

n. This notice also consists of the following standard paragraphs: A2, A9, B1, and D4.

0. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capital Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the office of Summit Hydropower, 92 Rocky Hill Road, Woodstock, CT 06281 or by calling (203) 974–1620.

8 a. *Type of Application:* Minor License.

b. *Project No.:* 11169–000.

c. *Date Filed:* July 25, 1991.

d. *Applicant:* H&H Properties.

e. *Name of Project:* Avalon Dam.

f. *Location:* On the Mayo River, Rockingham County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Tim Henderson, H&H Properties, 1240 Springwood Church Road, Gibsonville, NC 27249, (919) 449–5054.

i. *FERC Contact:* Mary C. Golato, (202) 219–2804.

j. *Deadline Date:* March 20, 1992.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached D4.

l. *Description of Project:* The proposed Avalon Dam Hydroelectric Project consists of three new turbine-generator units, and their accessory control and transmission equipment, installed at an existing dam, power canal, penstock and powerhouse development.

In detail, the project would consist of: (1) An existing masonry gravity spillway dam about 360 feet long and 22 feet high maximum, to be crested with new 1-foot-high flashboards; (2) a left abutment masonry dam about 40 feet long and 33 feet high maximum; (3) a right abutment masonry headgate structure, about 56 feet long and 30 feet high; (4) a reservoir with a surface area of about 12.1 acres and gross storage of 126 acre-feet at a level of 625.5 mean sea level; (5) an existing power canal about 1,800 feet long, 20 to 26 feet wide, and 8 to 12 feet deep, connecting the headgate structure; (6) an existing masonry intake for a steel penstock 9 feet in diameter and 160 feet long; (7) an existing masonry powerhouse 24 feet wide, 70 feet long and 25 feet high; (8) new powerhouse equipment consisting of one single-runner Francis unit and generator rated at 200 kilowatts (kW), and a second double-runner Francis unit and generator rated at 580 kW, both units discharging into an existing tailrace; (9) a new instream flow turbine-generator unit rated 60 kW, located at the upstream end of the power canal, and discharging at the toe of the dam; (10) a 12.4-kilovolt transmission line about 1,280 feet long; and (11) appurtenant facilities.

m. *Purpose of Project:* Generated power would be used solely by Duke Power Company.

n. This notice also consists of the following standard paragraphs: A3, A9, B1, and D4.

o. *Available Locations of Applications:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Pubic Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Mr. Tim Henderson, H&H Properties, 1240 Springwood Church Road, Gibsonville, N.C. 27249, (919) 449–5054 and at May Memorial Library, 342 South Spring Street, Burlington, N.C. 27215.

9 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11199–000.

c. *Date filed:* October 15, 1991.

d. *Applicant:* Mead Energy Company.

e. *Name of Project:* Nevada Pumped Storage Project.

f. *Location:* On land administered by the National Park Service in Spring Canyon in Mohave County, Arizona. T30N, R18W.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Frank L. Mazzone, President, Mead Energy Company, 746 Fifth Street East, Sonoma, CA 95476, (707) 996–2573.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* March 27, 1992.

k. *Description of Project:* The proposed pumped storage project would utilize the existing Bureau of Reclamation's 660-foot-high Hoover dam and 144,900-acre Lake Mead as the lower reservoir and would consist of: (1) A 400-foot-high dam and 620-acre upper reservoir in Spring Canyon; (2) a 45-foot-diameter, 3,280-foot-long underground penstock connecting the upper reservoir with the powerhouse; (3) an underground powerhouse containing generating units with a maximum installed capacity of 1,000 MW; (4) two 35-foot-diameter, 940-foot-long underground penstocks connecting the powerhouse with the lower reservoir; (5) a transmission line of undetermined location whose possible length could range from 25 miles long to 75 miles long; and (6) appurtenant facilities.

No new access roads will be required to conduct the studies under the permit. The approximate cost of the studies would be $1,000,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

10 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11208–000.

c. *Date filed:* November 20, 1991.

d. *Applicant:* Baldwin Hydro Corporation.

e. *Name of Project:* Orofino Falls Hydro Power Project.

f. *Location:* On Orofino Creek, a tributary to the Clearwater River, in Clearwater County, Idaho, near the town of Orofino. Township 36 North, Range 2 East, sections 11, 14, and 13. Boise Meridian.

g. *Filed Pursuant to:* Federal Power Act, Section 30 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:*

Daniel A. Baldwin, President, Box 211, Elk City, ID 83525, (208) 842–2382.

C.C. Warnick, P.E., Vice President, 3197 Lundquist Lane, Moscow, ID 83843, (208) 882–5619.

Jack Porter, Attorney, 609 South Washington, Moscow, ID 83843, (208) 882–6595.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Comment Date:* April 6, 1992.

k. *Description of Project:* The proposed project would consist of: (1) A 15-foot-high diversion dam, at elevation 1,520 feet m.s.l.; (2) a 74-inch-diameter, 2,100-foot-long penstock; (3) a powerhouse containing two generating units with an installed capacity of 2,150 kW, generating an estimated 8,628 MWh of energy annually; (4) a tailrace; and (5) a 1,850 foot-long transmission line tying into an existing line.

The applicant estimates the cost of the studies to be conducted under the preliminary permit would be $10,000. No new roads will be needed for the purpose of conducting these studies.

l. *Purpose of Project:* Project power would be sold to a local utility.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2.

11 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11209–000.

c. *Date Filed:* November 25, 1991.

d. *Applicant:* John J. Hockberger, Sr.

e. *Name of Project:* Waterwheel West Hydroelectric Project.

f. *Location:* On the Mora Canal, a part of the Nampa-Meridian Irrigation System, in Canyon County, Idaho, near the towns of Caldwell and Nampa. T3N, R3W, section 30, Boise Meridian.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

David A. O'Day, P.E., c/o Power Engineers, Inc., P.O. Box 1066, Hailey, ID 83333, (208) 788–3456.

John J. Hockberger, Sr., President, Waterwheel West, Inc., 13957 Malt Road, Caldwell, ID 83605, (208) 459–9192.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely, (202) 219–2842.

j. *Comment Date:* March 25, 1992.

k. *Description of Project:* The proposed project would consist of: (1) An intake structure in the Mora Canal; (2) a 36-inch-diameter, 850-foot-long penstock; (3) a powerhouse containing two generating units with a total installed capacity of 194 kilowatts, generating an estimated 523,300 kilowatthours of energy annually; (4) a tailrace discharging project flows into the existing Deer Flat High Line Canal; and (5) a 500-foot-long transmission line typing into an existing line.

The existing facilities are part of a Bureau of Reclamation (Bureau) Project and the Bureau has permanent easement for the entire canal system.

l. *Purpose of Project:* Project power will be sold to a local utility.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2.

12 a. *Type of Application*: Preliminary Permit.

b. *Project No.* 11210–000.

c. *Date filed*: November 25, 1991.

d. *Applicant*: John J. Hockberger, Sr.

e. *Name of Project*: Waterwheel East Hydroelectric Project.

f. *Location*: On the Mora Canal, a part of the Nampa-Meridian Irrigation System, in Canyon County, Idaho, near the towns of Caldwell and Nampa. T2N, R3W, section 12, Boise Meridian.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*:

David A. O'Day, P.E., c/o Power Engineers, Inc., P.O. Box 1066, Hailey, ID 83333, (208) 788–3456.

John J. Hockberger, Sr., President, Waterwheel East, Inc., 13957 Malt Road, Caldwell, ID 83605, (208) 459–9192.

i. *FERC Contact*: Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Comment Date*: March 25, 1992.

k. *Description of Project*: The proposed project would consist of: (1) An intake structure in the Mora Canal; (2) a 30-inch-diameter, 1,750-foot-long buried penstock; (3) a powerhouse containing two generating units with a total installed capacity of 194 kilowatts, generating an estimated 609,600 kilowatthours of energy annually; (5) a tailrace discharging project flows into the existing Deer Flat High Line canal; and (6) a 600-foot-long transmission line tying into an existing line.

The existing facilities are part of a Bureau of Reclamation (Bureau) Project, and the Bureau has permanent easement for the entire canal system.

l. *Purpose of Project*: Project power will be sold to a local utility.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, D2.

13 a. *Type of Application*: Preliminary Permit.

b. *Project No.*: 11214–000.

c. *Date filed*: December 12, 1991.

d. *Applicant*: Southwestern Electric Cooperative, Inc.

e. *Name of Project:* Carlyle Dam.

f. *Location*: On the Kaskaskia River near the Town of Carlyle, Clinton County, Illinois.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact*: Gary C. Wobler, South Elm Street and Route 40, Greenville, IL. 62246, (618) 664–1025.

i. *FERC Contact*: Charles T. Raabe (202) 219–2811.

j. *Comment Date*: March 20, 1992.

k. *Description of Project*: The proposed project would utilize the existing U.S. Army Corps of Engineers' Carlyle Dam and would consist of: (1) Two 13-foot-diameter penstocks through the dam; (2) a powerhouse containing two generating units having a total installed capacity of 8,000-kW; (3) a 2-mile-long, 69-kV transmission line; and (4) appurtenant facilities.

Applicant estimates that the average annual generation would be 21,500,000 kWh and that the cost of the studies under the permit would be $25,000. Project energy would be sold to Applicant's member users.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C & D2.

14 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11221–000.

c. *Date filed:* January 8, 1992.

d. *Applicant:* Peak Power Corporation.

e. *Name of Project:* Tropicana Modular Hydroelectric Pumped Storage Project.

f. *Location:* Predominantly on lands administered by the Bureau of Land Management near Las Vegas in Clark County Nevada. T21S, R59E in sections 25, 26, 27, 29, 30, 31, 32, 33, 34, and 35; T21S, R60E in sections 28, 29, and 30.

g. *Filed Pursuant to:* Federal Power Ace, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Rick S. Koebbe, Peak Power Corporation, 10 Lombard Street, suite 410, San Francisco, CA 94111, (415) 362–0887.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* April 10, 1992.

k. *Description of Project:* The proposed pumped storage project would consist of: (1) A 140-foot-high dam and 47-acre upper reservoir at the Blue Diamond Mine; (2) a 10-foot-diameter, 12,500-foot-long penstock connecting the upper reservoir with a lower reservoir; (3) a 60-foot-high dam and 54-acre lower reservoir in a naturally formed desert valley to the east of the upper reservoir; (4) a powerhouse containing two 50-MW generating units; (5) a 7-mile-long transmission line interconnecting with an existing Nevada Power Company transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $200,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

15 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11222–000.

c. *Date Filed:* January 8, 1992.

d. *Applicant:* Janet Shanak.

e. *Name of Project:* Nashua.

f. *Location:* On the Cedar River in the City of Nashua, Chickasaw and Floyd Counties, Iowa.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Janet Shanak, 1325 Churchill Street, Waupaca, WI 54981, (715) 258–7421.

i. *FERC Contact:* Charles T. Raabe (tag), (202) 219–2811.

j. *Comment Date:* April 23, 1992.

k. *Description of Project:* The proposed project would consist of: (1) An existing dam having a left earthen embankment, a 243-foot-long concrete gate section, and an 82-foot-long integral powerhouse; (2) a reservoir having a 700-acre surface area at normal water surface elevation 960 feet NGVD; (3) an existing powerhouse containing 4 proposed generating units having a total installed capacity of 700-kW operated at a 16-foot head; (4) a proposed 50-foot-long, 13.8-kV transmission line; and (5) appurtenant facilities.

The applicant estimates that the average annual generation would be 2,980 MWh and that the cost of the studies under the permit would be

$120,000. Project energy would be sold to Iowa Public Service. The existing dam is owned by the City of Nashua, Iowa.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 386.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

c. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtain by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (March 23, 1992 for Project No. 10440). All reply comments must be filed with the Commission within 105 days from the date of this notice. (May 7, 1992 for Project No. 10440).

Anyone may obtain an extension of time for these deadlines from the

Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D4. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (March 30, 1992 for Project No. 11168; March 16, 1992 for Project No. 11169). All reply comments must be filed with the Commission within 105 days from the date of this notice. (May 12, 1992 for Project No. 11168; April 28, 1992 for Project No. 11169).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). . Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service listed prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D8. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatrory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 7, 1992 for Project No. 10536). All reply comments must be filed with the Commission within 105 days from the date of this notice. (May 22, 1992 for Project No. 10536).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstrances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS', "RECOMMENDATIONS," "TERMS AND CONDITIONS,"or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4)

otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Dated: February 11, 1992, Washington, DC

Lois D. Cashell,

Secretary.

[FR Doc. 92-3781 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-14-20-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

February 11, 1992.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on February 6, 1992, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the following revised tariff sheets:

Proposed to be effective February 1, 1992

8 Rev Sheet No. 41
8 Rev Sheet No. 42

Algonquin states that the revised tariff sheets are being filed to flow through changes in Texas Eastern Transmission Corporation's Rate Schedules SS-2 and SS-3, which underlie Algonquin's Rate Schedules STB and SS-III. Pursuant to section 10 of Rate Schedule STB and section 9 of Rate Schedule SS-III in Algonquin's FERC Gas Tariff, Third Revised Volume No. 1, Algonquin is hereby filing the above sheets to track the latest changes filed by Texas Eastern on January 31, 1992 in Docket No. TF92-2-17-000 to be effective February 1, 1992.

Algonquin further states that the effect of the filed tariff sheets is to decrease the STB and SS-III space charges by 0.15¢ per MMBtu and to decrease the injection charges by 0.87¢ per MMBtu. Also, the STB withdrawal rate is decreased by 0.79¢ per MMBtu and the SS-III FDDQ and Non-FDDQ withdrawal rates are decreased by 0.80¢ and 1.35¢ per MMBtu, respectively.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3782 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2673-000]

William Balderston III; Filing

February 12, 1992.

Take notice that on February 10, 1992, William Balderston III ("Applicant") tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President, The Chase Manhattan Corporation
Director and President, Chase Manhattan Banking Corporation
Director and Vice Chairman, Chase Lincoln First Bank, N.A.
Director, Rochester Gas & Electric Corporation

The Applicant requests Commission action no later than March 1, 1992.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 26, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3791 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-90-001]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

February 11, 1992.

Take notice that on January 30, 1992, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing two sheets to its FERC Gas Tariff, First Revised Volume No. 1, to be effective February 5, 1992. Those sheets include First Revised Sheet No. 211 and an update to Original Sheet No. 000 which was submitted to refer to the appropriate Vice President to whom communications concerning the tariff should be addressed. Pursuant to directive of Commission Staff, this sheet has not been paginated.

Columbia Gulf states that the purpose of this filing is to correct mistakes made in its filing of January 16, 1992, in which Columbia Gulf sought to comply with Order 537, but in which the tariff sheets were paginated incorrectly.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3783 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-2-002]

East Tennessee Natural Gas Co.; Compliance Filing

February 11, 1992.

Take notice that on January 10, 1992, East Tennessee Natural Gas Company (East Tennessee) pursuant to Commission's order dated December 27, 1991 in the above-referenced proceeding tendered for filing its explanation for the

basis of the projection of its rates and purchases from producer and spot market suppliers.

East Tennessee states that copies of the letter have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3785 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-204-002]

East Tennessee Natural Gas Co.; Motion To Make Tariff Sheets Effective

February 11, 1992.

Take notice that on January 31, 1992, East Tennessee Natural Gas Company (East Tennessee) moved to place into effective on February 1, 1992, certain tariff sheets.

East Tennessee states that on August 1, 1991, East Tennessee filed revised tariff sheets to First Revised Volume No. 1 and Original Volume No. 1A of its FERC Gas Tariff. East Tennessee asserts that the revised tariff sheets, constituting a general rate increase pursuant to NGA section 4, were proposed to be effective September 1, 1991. East Tennessee states that by order issued on August 30, 1991, the Commission accepted the revised tariff sheets, with certain exceptions, and suspended them for five months to be efffective February 1, 1992, subject to refund. East Tennessee states that the Commission also ordered East Tennessee to refile its rates by February 1, 1992, to remove the costs associated with facilities which have been placed into service by the end of the test period.

East Tennessee states that it is filing certain revised tariff sheets which, in addition to reflecting the terms and conditions of the August 30 order, also (i) correct an error in East Tennessee's treatment of FASB 106 costs, (ii) restate East Tennessee's PGA rates, as set forth in Docket No. TA92-1-2 for the demand gas costs and Docket No. TF92-5-2 for commodity gas costs, and (iii) remove the proposed storage cost rate adjustment from Tariff Sheets Nos. 116-118 of First Revised Volume No. 1 and Sheet Nos. 132-134 of Original Volume No. 1A.

East Tennessee states that copies of its filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3786 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-233-001]

El Paso Natural Gas Co.; Tariff Filing

February 11, 1992.

Take notice that on January 30, 1992, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, Second Revised Sheet No. 118 contained in its FERC Gas Tariff, First Revised Volume No. 1-A. El Paso states that the filing reflects a reduction in the Billing Determinant for Southern California Gas Company ("SoCal") under Rate Schedule T-3. El Paso requests that the tariff sheet be accepted for filing and permitted to become effective March 1, 1992.

El Paso states that on December 12, 1991, at Docket No. CP92-233-000, El Paso filed, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon the firm transportation and delivery of 300,000 Mcf per day to SoCal. In its application, El Paso stated that on or about January 30, 1992, it would file a revised tariff sheet to reflect such reduction in billing determinant effective March 1, 1992.

El Paso states that the reduction in billing determinant was precipitated by SoCal's exercise of the option under its Transportation Service Agreement ("TSA") dated October 16, 1990 with El Paso to reduce its Transportation Contract Demand by providing written notice to El Paso of such election on or before March 1, 1991 (this date was later extended to April 1, 1991). The TSA provides for the firm transportation under El Paso's Rate Schedule T-3 of a Transportation Contract Demand of 1,750,000 Mcf per day. SoCal notified El Paso that it was exercising its option to reduce its Transportation Contract Demand by 300,000 Mcf per day effective March 1, 1992.

Accordingly, El Paso is tendering Second Revised Sheet No. 118 to reflect the reduction in SoCal's billing determinant in accordance with SoCal's election to reduce its Transportation Contract Demand by 300,000 Mcf per day, or the decatherm equivalent of from 1,802,500 dth to 1,493,500 dth per day.

El Paso states that such 300,000 Mcf per day of capacity at the Ehrenberg Delivery Point has been fully subscribed by other firm shippers on El Paso's firm transportation log. Such shippers and their respective Transportation Contract Demand quantities are: Southern California Edison Company, 200,000 Mcf; Meridian Oil Marketing Inc., 83,000 Mcf; San Diego Gas & Electric Company, 10,000 Mcf; and Mission Energy Fuel Company, 7,000 Mcf. El Paso states that each of these shippers shall pay a reservation charge calculated in accordance with Section 4 of Rate Schedule T-3 contained in El Paso's First Revised Volume No. 1-A Tariff. Thus, there will be no shift in costs to any other customer on El Paso's system.

El Paso has requested that the Commission accept the tendered tariff sheet for filing and permit it to become effective March 1, 1992 which is not less than thirty (30) days after the date of filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3787 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-4-16-000]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

February 11, 1992.

Take notice that on February 7, 1992, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective on March 10, 1992.

Fifth Revised Sheet Nos. 117-118
Fourth Revised Sheet No. 119
Fourth Revised Sheet No. 121
Second Revised Sheet No. 123

National states that the purpose of this filing is to update the amount of take-or-pay charges approved by the Federal Energy Regulatory Commission to be billed to National by its pipeline-suppliers and to be recovered by National by operation of section 20 of the General Terms and Conditions to National's FERC Gas Tariff, Second Revised Volume No. 1. National further states that its pipeline-suppliers which have received approval to bill revised take-or-pay charges, as reflected in National's filing herein, are: Columbia Gas Transmission Corporation, CNG Transmission Corporation, and Tennessee Gas Pipeline Company.

National states that copies of the filing have been served on National's jurisdictional customers and on the interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 or 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 or 385.211. All such motions to intervene or protests should be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3784 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-689-012]

Northeast Utilities Service Co.; Filing

February 12, 1992.

Take notice that on January 24, 1992, Northeast Utilities Service Company tendered for filing its compliance report in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 24, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3788 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-109-000]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

February 11, 1992.

Take notice that Northern Natural Gas Company (Northern) on February 7, 1992, tendered for filing to become part of Northern's FERC Gas Third Revised Volume No. 1, the following tariff sheets to be effective March 8, 1992:

Eighth Revised Sheet No. 52F.3
Fifth Revised Sheet No. 52F.3a
Third Revised Sheet No. 52F.12b

Northern states that such tariff sheets are being submitted to revise the procedure for both submitting a valid request for firm transportation and for maintaining an existing position on Northern's firm transportation request queue. Northern proposes to implement a fee requirement applicable to all requests for firm transportation.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests must be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3789 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-14-003]

Transwestern Pipeline Co.; Compliance Filing

February 11, 1992.

Take notice that Transwestern Pipeline Company ("Transwestern") on January 31, 1992 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet:

Effective February 26, 1992

2nd Revised Sheet No. 80A

Transwestern states that the tariff sheet referenced above with an effective date of February 26, 1992 is being filed to comply with the Commission's Letter Order ("Order") issued December 20, 1991 in Docket No. RP92-14-001. The Order required Transwestern to refile revised tariff sheets within fifteen (15) days to reflect an operator confirmation deadline twenty-four (24) hours after the shipper nomination deadline. On December 23, 1991, Transwestern filed a request for an extension of time to file compliance tariff sheets as required by the Order. The Commission granted the extension until and including January 31, 1992 in a notice issued January 3, 1992. Pursuant to the Commission's Order, Transwestern submitted the instant filing.

Transwestern has proposed to implement the following tariff changes for operator confirmations on its system as a result of a settlement reached with Indicated Shippers. The shippers on Transwestern's system would be required to cause the operator(s) of receipt and delivery points to confirm the nominations made by those shippers. The operator confirmations would be due after shipper nominations, but on the same day as shipper nominations. In addition, Transwestern states, it would allow a transition period until June 1992 production for shippers and operators to modify their systems. In the interim period, Transwestern would continue to schedule shipper nominations even if all operator confirmations are not received on a timely basis.

Transwestern requests waiver of any Commmission Regulation and its tariff provisions as may be required to allow the tariff sheet referenced above to become effective on February 26, 1992.

Transwestern states that copies of the filing were served on its jurisdictional customers, interested State commissions, and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-3790 Filed 2-18-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 91-102-NG]

Tenaska Gas 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 of the Department of Energy (DOE) gives notice of receipt of an application filed on November 22, 1991, by Tenaska Gas Co. (Tenaska) for authorization to import up to 13,000 MMBtu (approximately 13,000 Mcf) per day of Canadian natural gas from Husky Oil Operations Ltd. (Husky) beginning on the effective date of the requested authorization and extending through December 31, 2011. This imported gas would enter the U.S. at the international border near Sumas, Washington, and be delivered through the pipeline facilities of Cascade Natural Gas Corporation (Cascade) to a 245-megawatt combined cycle, gas-fired, cogeneration facility being developed by Tenaska Washington, Inc. (TWI) in Whatcom County, Washington. The TWI facility would use the imported gas as part of its fuel 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 transport the gas.

The application is filed under section 3 of the Natural Gas Act (NGA) and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time March 20, 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:

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.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0503.

SUPPLEMENTARY INFORMATION: Tenaska is a Nebraska Corporation with its principal office in Omaha, Nebraska. Tenaska has entered into a gas purchase agreement with Husky dated November 4, 1991, under which Husky would supply up to 13,000 MMBtu per day of natural gas to Tenaska on a firm basis for resale to TWI to meet part of the gas supply requirements for TWI's proposed cogeneration facility. The contract will be in effect until December 31 of the seventeenth (17th) year following the beginning of commercial operation of the cogeneration plant or December 31, 2011, whichever occurs earlier.

Construction of the new cogeneration facility is expected to be completed by October 1, 1993. When completed, the cogeneration facility would be operated by TWI as a "qualifying facility" under section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

Under the pricing terms of the Tenaska/Husky gas purchase agreement, Tenaska is required to pay Husky a demand charge equal to twenty percent of the contract price of the gas for the month and a commodity price equal to eighty percent of the contract price for the month. The contract price for the period January 1, 1993, through December 31, 1993, is $1.90 (U.S.) per MMBtu of natural gas. This price is escalated at the rate of five percent each year, beginning on January 1, 1994, and on January 1 of each year thereafter, over the remaining term of the contract.

Pursuant to the terms of the Tenaska/Husky gas purchase agreement, Tenaska must take or pay for eighty percent of the daily contract quantity of 13,000 MMBtu of natural gas. If Tenaska fails to take the prescribed minimum volume, then Tenaska must pay Husky a deficiency payment equal to the difference between the commodity charge for the gas and the "spot" price for the volumes not taken as required by the contract. The spot price is defined as the index value quoted for spot gas delivered into Northwest Pipeline Corporation's facilities at the Canadian border that appears each month in a table published in Inside F.E.R.C.'s Gas Market Report.

In support of the application, Tenaska asserts that the price of the imported gas would be competitive since it reflects the results of arms-length bargaining between Tenaska and Husky and it meets their expectation of the market price for gas over the term of the Tenaska/Husky gas purchase contract. Further, Tenaska is not responsible for any specific Canadian transportation costs for the gas but rather is only obligated to pay a demand charge equal to twenty percent of the contract price for the gas. In addition, Tenaska asserts that the impact of Tenaska's take-or-pay obligation is limited by the fact that Tenaska would have to pay only the difference between the commodity charge and Canadian spot gas prices for volumes not taken.

According to Tenaska, the gas is needed to provide part of the gas supply requirements of TWI's proposed cogeneration plant, which must have a

secure, long-term supply of natural gas in order to obtain financing. Security of supply is assured by a contractual warranty under which Husky must deliver the daily contract quantity of gas or reimburse Tenaska for costs incurred in obtaining alternate supplies of fuel to replace the delivery shortfall. In addition, Tenaska states that Husky owns proven reserves equal to 1.5 Tcf of natural gas.

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 will be considered in making a public interest determination, including 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. We note that Cascade requested from the Federal Energy Regulatory Commission (FERC) a Presidential Permit and authority under section 3 of the NGA to construct and operate natural gas facilities at the international border between the United States and Canada that would be used to import the volumes proposed by Tenaska. *See* FERC Docket No. CP91–2650–000. 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 regulation 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, February 7, 1992.

Anthony J. Como,

Director, Office of Coal and Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 92–3853 Filed 2–18–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4100–2]

Public Water Supply Supervision Program Revision for the State of New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of New York is revising its approved Public Water Supply Supervision Primacy Program. New York has adopted drinking water regulations which satisfy the National Primary Drinking Water Regulations (NPDWR) for Synthetic Organic Chemicals; Monitoring for Unregulated Contaminants (VOC) promulgated by EPA on July 8, 1987 (52 FR 25690) with July 1, 1988 correction (53 FR 25108); and the revised NPDWR for Public Notification (PN) promulgated on October 28, 1987 (52 FR 41534) with April 17, 1989 correction; (54 FR 15185). New York submitted its revised Public Water Supply Supervision Primacy Program, including its adopted regulations for VOC and PN in May, 1989. Supplemental information was submitted by the State on March 15, 1991. The USEPA has determined that New York's VOC and PN regulations are no less stringent than the corresponding Federal regulations and that New York continues to meet all requirements for primary enforcement responsibility as specified in 40 CFR 142.10.

All interested parties, other than Federal Agencies, may request a public hearing. A request for a public hearing must be submitted to the USEPA Regional Administrator at the address shown below within thirty (30) days after the date of this **Federal Register** Notice. If a substantial request for a public hearing is made within the required thirty day time frame, a public hearing will be held and a notice will be given in the **Federal Register** and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. If no timely and appropriate request for a hearing is received and the Regional Administrator

does not elect to hold a hearing on his own motion, this determination shall become final and effective thrity (30) days after publication of this **Federal Register** Notice. Any request for a pulic hearing shall include the following information:

(1) The name, address and telephone number of the individual organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement on information that the requesting person intends to submit at such hearing;

(3) The signature of the individual making the requests or, if the request is made in behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: Requests for Public Hearing shall be addressed to:

Regional Administrator, U.S. Environmental Protection Agency—Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

All documents relating to this determination, including New York State's revision to it's Public Water Supply Supervision Program are available for inspection between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

New York State Department of Health, Bureau of Public Water Supply Protection room 406, 2 University Plaza/Western Avenue, Albany, New York 12203–3399, (518) 458–6731.

U.S. Environmental Protection Agency—Region II, Public Water Supply Section, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264–1800.

FOR FURTHER INFORMATION, YOU MAY CONTACT:

Walter E. Andrews, Chief, Drinking Groundwater Protection Branch, U.S. Environmental Protection Agency—Region II, (212) 264–1800.

(Section 1413 of the Safe Drinking Water Act, as amended, and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Dated: December 26, 1991.

Constantine Sidamon-Eristoff,

Regional Administrator, EPA, Region II.

[FR Doc. 92–2663 Filed 2–18–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

February 11, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission 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 this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0136

Title: Temporary Permit to Operate a General Mobile Radio Service System.

Form Number: FCC Form 574–T

Action: Extension of a currently approved collection.

Respondents: Individuals or households.

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 1,500 recordkeepers; .10 hours average burden per recordkeeper; 150 hours total annual burden.

Needs and Uses: Commission rules state that eligible applicants for new or modified radio stations in the General Mobile Radio Service complete the FCC Form 574–T for immediate authorization to operate the radio station. The applicant retains this form during processing of application for license grant. Applicants eligible to hold a radio station authorization in the General Mobile Radio Service may use this form as a temporary permit to operate their radio station during processing of an application for license grant.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–3818 Filed 2–18–92; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–933–DR]

Delaware; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Delaware (FEMA–933–DR), dated February 6, 1992, and related determinations.

DATES: February 6, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3606.

NOTICE: Notice is hereby given that, in a letter dated February 6, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq., Public Law 93–288, as amended by Public Law 100–707), as follows:

I have determined that the damage in certain areas of the State of Delaware, resulting from a severe coastal storm and flooding on January 4–5, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Delaware.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, and Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert J. Adamcik of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Delaware to have been affected adversely by this declared major disaster:

The counties of Kent and Sussex for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-3834 Filed 2-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-928-DR]

Iowa; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Iowa (FEMA-928-DR), dated December 26, 1991, and related determinations.

DATES: February 7, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: The notice of a major disaster for the State of Iowa, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The county of Plymouth for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-3832 Filed 2-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-932-DR]

Republic of the Marshall Islands; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Republic of the Marshall Island (FEMA-932-DR), dated February 7, 1992, and related determinations.

DATES: February 7, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: Notice is hereby given that, in a letter dated February 7, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the Republic of the Marshall Islands, resulting from Tropical Storm Axel on January 6, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the Republic of the Marshall Islands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Joseph G. Del Monte of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Republic of the Marshall Islands to have been affected adversely by this declared major disaster:

The Island of Kili and the Atolls of Arno, Jaluit, Majuro, and Mili for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-3830 Filed 2-18-92; 8:45 am]

BILLING CODE 6718-02-M

Federated States of Micronesia; Major Disaster and Related Determinations

[FEMA-934-DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Federated States of Micronesia (FEMA-934-DR), dated February 7, 1992, and related determinations.

DATES: February 7, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: Notice is hereby given that, in a letter dated February 7, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq., Public Law 93-288, as amended by Public Law 100-707), as follows.

I have determined that the damage in certain areas of the Federated States of Micronesia, resulting from Typhoon Axel on January 8, 1992, through and including January 10, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the Federated States of Micronesia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Supplemental food supplies may be provided at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, and Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of Section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Mangement Agency under Executive Order 12148, I hereby appoint Mr. Frank L. Kiston of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Federated States of Micronesia to have been affected adversely by this declared major disaster:

The Island of Pohnpei, Kosrae State, Mwoakilloa Atoll, and Pingelap Atoll for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director, Federal Emergency Mangement Agency.

[FR Doc. 92-3829 Filed 2-18-92; 8:5 am]

BILLING CODE 6718-02-M

[FEMA-931-DR]

Puerto Rico, Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-931-DR), dated January 22, 1992, and related determinations.

DATED: February 8, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

NOTICE: The notice of a major disaster for the Commonwealth of Puerto Rico, dated January 22, 1992, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 22, 1992:

The municipality of Gurabo for Individual Assistance.

The municipality of Juana Diaz for Public Assistance (previously designated for Individual Assistance.)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-3833 Filed 2-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determination.

DATED: February 5, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: The notice of major disaster for the State of Texas, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Comal, Gonzales, and Henderson for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-3831 Filed 2-18-92; 8:45 am]

BILLING CODE 6718-02-M

Advisory Committee of the National Earthquake Hazards Reduction Program (NEHRP); Open Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. section 10(a)(2)), announcement is made of the following committee meeting:

Name: National Earthquake Hazards Reduction Program (NEHRP) Advisory Committee.

Dates of Meeting: March 2-4, 1992.

Place: The Grand Hotel, 2350 M Street, NW., Washington, DC.

Time: March 2-9 a.m. to 5 p.m., March 3-9 a.m. to 5 p.m., March 4-9 a.m. to 12 noon.

Proposed Agenda: The Committee will provide comment and input to the NEHRP Program Agencies on specific activities which are mandated by the Earthquake Hazards Reduction Act of 1977, as amended.

The meeting will be open to the public with approximately ten seats available on a first-come, first-served basis. All members of the public interested in attending the meeting should contact Brian Cowan at 202-646-2821.

Minutes of the meeting will be prepared by the Committee and will be availabe for public viewing at the Federal Emergency Management Agency, Office of Earthquakes and Natural Hazards, 500 "C" Street, SW., room 625, Washington, DC. Copies of the minutes will be available upon request 45 days after the meeting.

Dated: February 12, 1992.

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-3828 Filed 2-18-92; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Georgia Ports Authority et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission 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.: 224-200416-004.

Title: Georgia Ports Authority/ Jugolinija, Terminal Use Agreement.

Parties: Georgia Ports Authority, Jugolinija.

Synopsis: This Agreement, filed February 6, 1992, establishes wharfage, dockage and land lease per container on and off vessel charges, as well as charges for various other services.

Agreement No.: 224-200616.

Title: Port of Miami Terminal Operating Company Discussion Agreement.

Parties: Continental Stevedoring & Terminals Co., Florida Stevedoring, Inc., S.E.L. Maduro (Florida), Inc., Oceanic Stevedoring Company.

Synopsis: This Agreement, filed on February 5, 1992, permits the parties to meet, discuss and agree on how Port of Miami Terminal Operating Co., a company incorporated in the state of Florida owned by the parties to the Agreement, is to be organized to carry on activities as a marine terminal operating company.

Agreement No.: 203-011366.

Title: Maersk/Sea-Land ALFOR Cooperative Working Agreement.

Parties: A. P. Moller-Maersk Line ("Maersk"), Sea-Land Service, Inc. ("Sea-Land").

Synopsis: The proposed Agreement would authorize Sea-Land to charter or make space available to Maersk on Sea-Land's vessels in the trade between ports and points in Alaska and ports and points in Asia and Europe.

By order of the Federal Maritime Commission.

Dated: February 12, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-3757 Filed 2-18-92; 8:45 am]

BILLING CODE 6730-01-M

Maryland Port Administration/Ceres Corp.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 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.: 224-200165-005

Title: Maryland Port Administration/Ceres Corporation.

Parties: Maryland Port Administration, Ceres Corporation.

Synopsis: This Agreement, filed February 10, 1992, extends the term of the current lease agreement for an additional one-hundred and twenty (120) days, pending further negotiations of another long term lease between the Maryland Port Administration and Ceres Corporation.

Agreement No.: 224-003695-005

Title: Port Everglades Authority/Sea-Land Service, Inc. Preferential Berthing Agreement.

Parties: Port Everglades Authority, Sea-Land Service, Inc.

Synopsis: This Agreement, filed February 6, 1992, provides for changes in the preferential berthing days, the provision of cranes, the term of the agreement, and various charges including wharfage and crane rental. The new term of the Agreement is through December 31, 1994.

Agreement No.: 224-200618

Title: Port of Palm Beach Terminal Subleasing Agreement.

Parties: Port of Palm Beach District, Palm Beach Cruises, S.A., Grundstad Terminals, Overseas, Inc., Crown Cruise Lines of Florida, Inc., Crown Cruise Line, Inc., S.A., Grundstad Maritime Overseas, Inc.

Synopsis: This Agreement, filed February 11, 1992, provides limitations and conditions on the parties' subleasing rights, including berthing priority rights, terms of arbitration of disputes, terms for settlement of disputes by venue, and prohibitions on assignment or subleasing of rights.

By Order of the Federal Maritime Commission.

Dated: February 13, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-3817 Filed 2-18-92; 8:45 am]

BILLING CODE 6730-01-M

Palm Beach Cruise S.A. Berthing and Terminal Rights; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.6 and/or 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224-200617.

Title: Palm Beach Cruise S.A. Berthing and Terminal Rights Agreement.

Parties: Palm Beach Cruises S.A. ("PBC") Commodore Cruise Line Limited ("CCL"), EJI Cruise Vessels N.V. ("EJICV"), Crown Cruise Line Incorporated S.A. ("CCLI").

Synopsis: This Agreement, filed February 10, 1992, sets forth terms and conditions pursuant to which Palm Beach Cruises S.A. and a number of its affiliates sublicense to CCL, EJICV, and CCLI certain of their pre-existing operating, berthing and calling rights at the Port of Palm Beach, Florida and leasehold rights to the passenger terminal facility located at the Port of Palm Beach. The Agreement also sets forth terms and conditions by which the said passenger terminal facility shall be used and operated by the parties.

By Order of the Federal Maritime Commission.

Dated: February 13, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-3816 Filed 2-18-92; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Revocations

Notice is hereby given that the following ocean freignt forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR, part 510.

License Number: 2990

Name: Four Star International Shipping Company.

Address: 617 Fredricksburg Rd., Matthews, NC 28105.

Date: January 17, 1992.

Reason: Surrendered license voluntarily.

License Number: 2655

Name: All Oceans Cargo, Inc.

Address: 157 Yesler Way, Suite 304, Seattle WA 98104.

Date Revoked: February 5, 1992.

Reason: Surrendered license voluntarily.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 92-3758 Filed 2-18-92; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF THE INTERIOR

Assistant Secretary—Indian Affairs

Tribal Self Governance Planning and Negotiation Grants

AGENCY: Office of Self Governance, Interior.

ACTION: Announcement of availability of competitive planning grants and

negotiation grants for federally recognized tribes.

SUMMARY: The Office of Self Governance announces the availability of $620,000 in grant funds to continue the planning and negotiations process in FY 1992. The total amount identified is broken down as follows: (1) $120,000 for negotiation grants for tribes which are in the final stages of planning to enter negotiations. (2) $500,000 for tribes to enter or continue the project in the planning stage. This provision is to support the amendment, Public Law 102–184, which expands the number of tribes which can enter the demonstration project from 20 to 30.

The Tribal Self Governance Demonstration Project is designed to promote self-determination by allowing tribes to assume more control of BIA programs and services through agreements negotiated with the Department of the Interior. The planning grant allows a tribe to gather information to determine the current types and amounts of programs, services, and funding levels available within its service area and to plan for the types, amounts of programs, services and funding to be made available to the tribe under the agreement. Negotiation grants provide tribes with funds to help cover the expenses involved in preparing for and actually negotiating with the Department.

At the time of this announcement, seventeen compacts have been signed. Selection to fill the thirteen slots which remain will be based on the criteria and procedures outlined in this announcement. All tribes wishing to be considered for participation in the grant program for self governance, including those that have previously contacted the Office of Self Governance, must respond to this announcement.

DATE: Applications must be received by:

1. The closing date for submission of application for initial planning grants is April 6, 1992.

2. The closing date for submission of applications for negotiation grants is July 20, 1992; however, awards may be made prior to that deadline.

FOR FURTHER INFORMATION CONTACT: William Lavell, Director, Office of Self Governance, U.S. Department of the Interior, 1849 C Street NW., (MS 2253 MIB), Washington, DC 20240, (202) 219–0240.

SUPPLEMENTARY INFORMATION: The following announcement of procedures for the application for and awarding of planning and negotiation grants under the Indian Tribal Self Governance Demonstration Project is made as an exception to the policy of the Department of the Interior to do rule making for grant programs. See Public Participation in Rule Making, 36 FR 8336 (1971). This exception is made to that policy for the following reasons. The Self Governance Project was established by the Congress as a demonstration project. In authorizing the expansion of the project in Public Law 102–189 and requiring planning projects by tribes prior to negotiating a compact, Congress directed the Office of Self Governance to expedite the processing of these grants in the accompanying report language. Operational experience is needed to enable appropriate rule making for the program to be undertaken for future years. This announcement provides sufficient structure for FY 1992 planning and negotiations grant program as well as a fair and open process for tribal application and competition. Just as importantly, the flexibility which the announcement procedure provides will enable the Office of Self Governance to put into effect in 1992 all aspects of the planning and negotiation process as it was intended by Congress. Without this exception from the 1971 policy this result could not be accomplished. Accordingly, the grants for 1992 will be made on the bases stated in this announcement.

A. Purpose of Program

The purpose of the program is to provide grants which provide planning and negotiation resources to tribes interested in participating in the Tribal Self Governance Demonstration Project as authorized by Title III of Public Law 100–472. Public Law 102–184, which amends Title III, has increased the number of tribes which can participate from 20 to 30, and requires tribes which wish to enter the program to participate in a planning process.

The Office will entertain proposals to select up to ten additional tribes to enter the planning stage. These will be selected through a competitive process. Since there is a statutory cap of thirty tribes, it is possible that not all of those that are awarded planning grants will be able to enter the program in the demonstration phase. However, the opportunity to participate may be available later should the program become permanent, and the planning process itself should be valuable to a participating tribe. The requirement for a geographical representation of tribes in the Project will be a factor in the selection of tribes.

Planning grants will be awarded on a competitive basis to tribes meeting the eligibility criteria and other provisions contained in this announcement. Applications not meeting all provisions of this announcement will be considered unresponsive and will not be reviewed for funding. The applicant will be so notified and such determination by the Office of Self Governance regarding the non-responsiveness of any application received shall be final for the Department.

Based upon evidence of successful completion of initial planning activities and a decision by the tribal governing body to proceed with the program, a negotiation grant, not to exceed $20,000, may be awarded to a tribe upon submission of an appropriate application as specified in this announcement. Other tribes which have completed planning activities in previous years but which have not received a negotiation grant, may also be accepted for an award based on the discretionary decision of the Director, Office of Self Governance.

There may be other tribes which have previously received negotiations grants, but chose not to negotiate. These tribes may still be considered for one of the remaining slots in the program. Such tribes should submit a request for consideration to the Director, Office of the Self Governance, providing a recent request and planning report which follows the guidelines for negotiation grant applicants. Such tribes are not eligible for a second negotiation grant and will not be afforded any preference over other tribes for one of the remaining slots in the Project.

Every applicant should indicate at what point it anticipates being ready to negotiate a compact, assuming that a favorite decision is made to proceed. There is a limited demonstration period set for this program; therefore, preference for negotiation grants will be given to those tribes who would most likely be ready to negotiate an agreement commencing in FY 1993. Likewise preference will be given to planning grant applicants which anticipate a readiness to negotiate an agreement with an effective date of no later than FY 1994.

B. Eligibility Criteria

1. Planning Grants: To be considered for a planning grant under this announcement, an applicant must:

a. Be a federally recognized tribe as defined in Public Law 93–638, as amended.

b. Formally request, through a final governing body action, a planning grant for the purpose of participation in the Tribal Self Governance Demonstration Project.

c. Have operated two or more mature contracts.

d. Furnish organization-wide single audit reports as prescribed by Public Law 96–502, the Single Audit Act of 1984 for the previous three years which contain no significant or material audit exceptions.

2. Negotiation Grants: To be considered eligible for a negotiation grant under this announcement, an applicant must:

a. Be a federally recognized tribe as defined in Public Law 93–638, as amended.

b. Formally request, through a final governing body action, a grant for the purpose of negotiating for a self governance compact for BIA programs and services.

c. Have successfully completed a planning project specifically relating to self governance or currently be engaged in such a planning activity. A report on such activities should accompany the application.

d. Have not previously received a grant for self governance negotiations.

C. Grant Period

Grants under this announcement shall be for a period of one year or less.

D. Fund Available

a. Planning Grants—A maximum of $500,000 is available to fund approximately ten planning grants at approximately $50,000 each.

b. Negotiation Grants—A maximum of $120,000 is available to fund approximately six negotiation grants at approximately $20,000 each.

E. Application Process

Applications under this announcement shall be on an SF–424 and shall contain a narrative description of proposed grant activities as well as a line item budget and budget justification. General guidelines for the grant applications are as follows:

1. Planning Grants. Applications should contain background information on the tribe and its circumstances. Applicants should not only provide a description of what they will accomplish under the grant but also discuss their expectations of and what they can contribute to the demonstration. A key component of the proposal should be to conduct activities which lead to greater understanding of BIA programs, services, and funding levels; and to explore programmatic alternatives which will better meet the needs of tribal members.

Prior planning activity for self governance shall be considered in the review process, but this consideration shall not guarantee selection.

2. Negotiation Grants. Applications should be brief and contain summary material of what was learned or is being learned during the planning project. The application should give a specific narrative of the direction of the tribe wishes to take in the project and proposed timeliness for negotiations. Where possible, tribes should note any unique and/or beneficial contributions which they can make to the program.

F. Other Conditions

The statute requires the Office of Self Governance to achieve geographical representation to include tribes in different areas of the country as well as tribes of different sizes and circumstances. Selection of the remaining thirteen slots will comply with the statutory requirement of geographical balance. It is further the intention of the Office to include in the Project those tribes with the greatest potential for success. Since this is a demonstration project, it is necessary to exercise a great deal of discretion in administration of the program to achieve the most valuable information possible from the involvement of a limited number of tribes.

G. Application Review and Approval Process

1. Planning Grants. Applications submitted under this announcement will be subject to a competitive review and evaluation.

The Office of Self Governance will review and rate the applications according to the criteria identified in this announcement and statutory requirements. Incomplete applications or applications which do not conform to the terms of this announcement will not be reviewed but will be returned to the sender as unresponsive. The Office will make its recommendations concerning awards to the Self Governance Demonstration Project Council which in turn will review the work of the Office and make its recommendations on selection to the Assistant Secretary-Indian Affairs. The Assistant Secretary will then make the final awards.

Tribes may elect to utilize planning grants also for negotiations and may indicate this intention in their applications. However, actual decisions from a grantee to move forward into the negotiations phase will not be accepted until at least two months after the grant award is made, in order to ensure compliance with the statutory requirement that a tribe must have participated in a planning process as a precondition to entering the program.

Applications will be reviewed according to the following criteria:

a. The goals/objectives of the grant are, wherever possible, measurable, consistent with the goal of the program and the terms of this announcement, and achievable as demonstrated by an implementation schedule. (25)

b. Grant objectives are fully and clearly described, reflect the needs of the tribal members, and can be accomplished with the resources available. (15)

c. There is evidence that the tribe has the capability to perform the tasks identified; i.e., the application includes resumes and position descriptions of key staff. (15)

d. The application includes substantial geographical information concerning the tribe and provides a discussion of the benefits which would accrue to the Demonstration Project as a result of including the tribe in the program. Geographical circumstances of the tribe which are not well-represented by other tribes in the program should be cited. (25)

e. A line-item budget is submitted with a detailed justification for all expenditures. All costs identified shall be reasonable and allowable in accordance with OMB Circular A–87, Cost Principles for State and Local Governments. (20)

In making final selections, the Assistant Secretary—Indian Affairs will consider the ranking factor along with the geographical factor.

2. Negotiation Grants:

Only a limited number of tribes are eligible to apply for negotiation grants. Successful completion of a planning project is a prerequisite to eligibility for a negotiation grant. There is no guarantee that awards will be made to tribes simply because they are eligible to apply. The requirement for geographical representation may preclude the selection of a tribe even though it has successfully completed a planning project. Additionally, an award of a negotiation grant does not guarantee that a compact will be entered into since an agreement may not be reached. However, the award of such a grant does signal a willingness of the Department to negotiate in good faith with the tribe.

The application of a tribe for a negotiation grant should include the following:

a. Reports on the planning activity which has occurred.

b. A request from the tribal governing body to enter into negotiations for a self governance agreement. Such a request shall be made through a final governing

body action, and be taken within the six months immediately preceding the date of the tribe's application.

c. A brief narrative of the proposed activities under the grant and a budget which details the costs to be incurred.

d. A description of the benefits which would accrue to the Demonstration Project as a result of the tribe being selected and a statement of tribal expectations of the project.

H. Submission of Applications

1. The closing date for submission of applications for initial planning grants is April 6, 1992.

2. The closing date for submission of applications for negotiation grants is July 20, 1992; however, awards may be made prior to that deadline.

3. Applications may be mailed or hand-delivered.

4. Applications which are mailed must be postmarked no later than the deadline date.

5. Late applications will be regarded as unresponsive to this announcement.

6. The address to which applications must be mailed or hand-delivered is as follows:

Director, Office of Self Governance, Department of the Interior, 1849 C Street, NW., RM/MS–2253, Washington, DC 20240

Dated: February 12, 1992.

William D. Bettenberg,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 92–3835 Filed 2–18–92; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[(AK–967–4230–15); AA–11727]

Alaska Native Claims Selection

In accordance with Departmental regulations 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Koniag, Inc. Regional Native Corporation for approximately 17.23 acres. The lands involved are in the vicinity of Kodiak, Alaska.

Seward Meridian
T. 33 S., R. 30 W

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Kodiak Daily Mirror. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until March 20, 1992, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal.

Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 34 CFR part 4, subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,

Chief, Branch of KCS Adjudication.

[FR Doc. 92–3846 Filed 2–18–92; 8:45 am]

BILLING CODE 4310–JA–M

[WO–150–00–4830–11]

National Public lands Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet Thursday, March 19, 1992, at the Hyatt Regency Denver, 1750 Welton, Denver, Colorado 80202, Phone #303–295–1234. Meeting hours will be 8 a.m. to 5 p.m. on Thursday, March 19.

The proposed agenda for the meeting is:

Opening remarks by BLM Director Cy Jamison, National Public Lands Advisory Council Chairman Dr. James E. Bowns, and BLM Colorado State Director Bob Moore.

The Council has ongoing task force groups. The issues these groups have been working on include rangeland management, mining, recreation, and hazardous materials management. The appropriate Council member will provide an update on the status of these working groups.

There will be time allotted on the agenda for election of new 1992 Council Officers and on reorganizing the Council work groups to accommodate their six new members.

The BLM will provide a briefing to the Council members on the most recent Wild Horse and Burro Strategic Management Plan. A presentation will be given by Universal Entech, a Denver-based municipal solid waste management systems group.

All meetings of the Council are open to the public. Opportunity will be given for members of the public to make oral statements to the Council beginning at 1 p.m. on Thursday, March 19. Speakers should address specific national public lands issues and are encouraged to submit a copy of their written statements prior to oral delivery. Please send written comments by March 12 to the BLM's Colorado State Office at the address listed below. Depending on the number of people who wish to address the Council, it may be necessary to limit the length of oral presentations.

DATES: Thursday, March 19, 1992—National Public Lands Advisory Council Meeting.

ADDRESSES: Copies of Public Statements should be mailed by March 12 to: Ms. Marta Witt, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7076.

FOR FURTHER INFORMATION CONTACT: Nan Morrison, Washington, DC, office, BLM, telephone (202) 208–5101.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, BLM, regarding policies and programs of a national scope related to public lands and resources under the jurisdiction of the BLM.

Dated: February 12, 1992.

Susan Lamson,

Director.

[FR Doc. 92–3858 Filed 2–18–92; 8:45 am]

BILLING CODE 4310–84–M

[NM–940–02–4730–12]

Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below will be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico on March 17, 1992.

New Mexico Principal Meridian, New Mexico

T. 23 S., R. 25 E., Accepted December 30, 1991, for Group 861 NM. Supplemental Plat:
T. 7 N., R. 2 E., Lot 84, Accepted December 26, 1991.
T. 7 N., R. 2 E., Lot 50, Accepted December 26, 1991.

The above-listed plats represent dependent resurveys, survey and subdivision.

These plats will be in the files of the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502–7115. Copies may be obtained from this office upon payment of $2.50 per sheet.

Dated: February 7, 1992.
John P. Bennett,
Chief, Cadastral Survey.
[FR Doc. 92-3847 Filed 2-18-92; 8:45 am]
BILLING CODE 4310-FB-M

Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement for the Chincoteague National Wildlife Refuge Master Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: This notice advises the public that the Draft Environmental Impact Statement for the Chincoteague National Wildlife Refuge Master Plan, Chincoteague, Virginia is available for public review. Comments and suggestions are requested. Proposed is a series of managemental and developmental actions for Chincoteague National Wildlife Refuge (Refuge) to be implemented over the next ten to twenty years. This proposed action balances dual goals: (1) To protect and enhance the coastal barrier island habitats of two endangered and one threatened species, as well as other species of management concern, while continuing (2) to provide Refuge visitors with high quality educational and recreational experiences to the extent these activities are compatible with the purposes for which the Refuge was established. Chincoteague Refuge will continue to work in partnership with the National Park Service (NPS), Assateague Island National Seashore (AINS), seeking closer inter-agency coordination while maintaining a division of responsibilities. Four alternatives were considered in the planning process to meet the goals listed above.

DATES: Written comments are requested by May 1, 1992. Public meetings will be conducted on March 8, 1992 in Baltimore, MD and March 12, 1992 in Chincoteague, Virginia.

ADDRESSES: Comments should be addresed to: John Schroer, Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, VA 23336.

Planned public meetings include: March 8, 1992, 2 pm, The Church of the Redeemer, Parish Hall Street, 5603 North Charles Street, Baltimore, Maryland and March 12, 1992, 7 pm, Chincoteague Fire House, Main Street, Chincoteague, Virginia.

FOR FURTHER INFORMATION CONTACT: John D. Schroer, Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, VA 23336, 804/336-6122.

Individuals wishing copies of this EIS for review should immediately contact the above individual. Copies have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTAL INFORMATION: John D. Schroer, Refuge Manager, Chincoteague National Wildlife Refuge is the primary author of this document. The Fish and Wildlife Service (FWS), Department of the Interior, has prepared a Draft EIS on its proposal to provide for management and development of the Chincoteague National Wildlife Refuge (Refuge) to be implemented over the next ten to twenty years. Management proposals regarding wildlife species and their habitat include: acquiring important wildlife habitat in the Refuge vicinity; managing Refuge forests to establish and maintain endangered Delmarva Peninsula fox squirrel habitat and habitat diversity; protecting nesting and feeding piping plovers, a threatened species, and other shorebirds by intensifying predator control and continuing/expanding closures; enhancing freshwater wetland habitat on the Refuge by improving water capabilities in the impoundments; maintaining existing biodiversity present on the Refuge; and maintaining better control of the Chincoteague ponies. The public use and facilities management actions include: emphasizing wildlife oriented recreational and educational opportunities; continuing the deer and waterfowl hunting programs; managing off-road vehicle access to protect the piping plover; retaining the current beach general recreation zone; establishing a maximum beach use capacity; continuing private vehicle beach access as long as beach parking areas remain; allowing NPS to maintain existing parking at the beach as long as the land base remains; coordinating with NPS and the Chincoteague community in identifying a suitable off-site parking area; implementing a system to eliminate traffic backups at the beach; and developing a FWS headquarters/visitor center on a geologically stable portion of the island.

This action is designed to give overall guidance for the protection, use, and development of Chincoteague National Wildlife Refuge (Refuge) during the next ten to twenty years. Chincoteague National Wildlife Refuge was established in 1943 for use as an inviolate sanctuary, or for any other management purpose, for migratory birds. At the time of the original acquisition, primary recognition was given to southern Assateague Island's value as important habitat for migrating and wintering greater snow geese. While the Refuge continues to provide important waterfowl habitat, the management emphasis has expanded over the years to address a variety of other wildlife needs. Today, Chincoteague Refuge supports breeding populations of the endangered Delmarva Peninsula fox squirrel and threatened piping plover. In addition, the Refuge has supported a resident pair of peregrine falcons, also an endangered species, since 1982, and hundreds of peregrine falcons stop on the Refuge during migration. The Refuge is also one of the top five shorebird migratory staging areas in the United States, east of the Rocky Mountains. However, the Refuge also provides an important educational and recreational resource for people attracted to the beautiful beach and excellent wildlife viewing opportunities. Visitation has increased sharply since construction of the bridge from Chincoteague Island in 1963 and inclusion of Refuge lands within Assateague Island National Seashore (AINS) in 1965. According to Refuge records, public use has grown from an estimated 100,000 visits in 1963 to more than 1.5 million visits in 1987, ascribing to Chincoteague Refuge the third highest number of visits of any national wildlife refuge in the country. The primary impetus for master planning of Chincoteague Refuge at this particular time comes from a growing need to balance high visitation with protection and enhancement of wildlife populations that depend on Refuge habitat. The situation must be viewed in the broad context of regional and national trends in loss of wildlife habitat and demand for recreational and economic opportunities.

This action will result in the following major beneficial consequences: improved wildlife habitat to encourage endangered and threatened species production; improved habitat for migrating and wintering waterfowl, shorebirds, and other wildlife; improved wildlife oriented recreational and educational opportunities: assured access to the Refuge beach, while maintaining a quality beach experience in keeping with wildlands recreational objectives; and improved FWS/NPS management, coordination and efficiency. Possible adverse impacts include: loss of tax revenue for the town or county; redirected or reduced public use in certain areas; loss of small amounts of wetlands; impaired viewing and photographing opportunities for

visitors; create negative visual impact by constructing shelters at the beach; and loss of small amounts of habitat to proposed construction.

Besides the proposed action, the major alternatives under consideration that were analyzed and evaluated during planning include the following:

1. The No Action alternative describes current management activities, assuming that these will continue over the next ten to twenty years. A description of this course of no significant new action provides a reference point to compare and evaluate environmental consequences associated with the other alternative plans. Although significant steps are presently being undertaken to manage and protect wildlife, the overall, environmental effects of taking No Action may result in reduced wildlife habitat quality and reduced wildlife reproduction. Inadequate visitor facilities and public use regulation mechanisms will continue to compromise wildlife oriented experiences, and may degrade wildlife habitat or otherwise jeopardize wildlife production.

2. The Wildlife Management alternative emphasizes wildlife protection and gives full consideration to actively managing Refuge habitats and public uses for maximum wildlife benefit. Public use has lower priority, although programs that do not require a large outlay of funding or necessitate construction of nonwildlife oriented facilities on the Refuge are proposed. Habitat and wildlife production benefits from implementation of the natural resource management proposals in this alternative will exceed those described for the Proposed Action alternative, as certain public access is confined to seasonal shuttle access and habitat management programs and wildlife studies efforts are increased. Public use management consequences reflect reduced recreation opportunities, including less wildlife observation opportunities.

3. The Public Use alternative emphasizes visitor accommodation. The major objectives to protect and perpetuate the ecosystem and wildlife populations are met. Many proposed management efforts are directed towards educational, interpretive, and wildlife oriented public recreation programs. The intent is to promote public awareness and enjoyment of the Refuge. Improved interpretive and educational opportunities will increase the awareness of Refuge visitors about wildlife and habitat issues. However, habitat degradation and wildlife disturbance will result from increased public access to Toms Cove Hook, the White Hills, and northern Refuge areas, possibly reducing wildlife presence and reproduction. These actions may, in turn, reduce the quality of wildlife oriented public use experiences.

Other Government agencies and members of the general public contributed to the planning and evaluation of the proposal and to the preparation of this EIS. The notice of Intent to prepare this EIS was published in the March 2, 1985 **Federal Register.** Public involvement in the Chincoteague Refuge Master Planning process has taken many forms in an effort to obtain meaningful input from various interests, including the following major scoping initiatives:

Scoping letters issued to initiate or update the progress of the plan and to urge public participation sent to 1,000–1,300 individuals or groups, April and September, 1985.

Public scoping meeting, Chincoteague Fire Hall, June 4, 1985 with over 150 people attending.

Regular occurring meetings with the following attending most meetings: Congressman Bateman's Aide, Officials of both the Accomack County and Town of Chincoteague governments, officers and members of the Chincoteague Chamber of Commerce, Assateague Island National Seashore (AINS) Superintendent and Chincoteague Refuge Manager, 1988 through 1990.

Meeting with Chincoteague Refuge Manager and representatives of The Wilderness Society, Committee to Preserve Assateague Island, Inc., National Wildlife Refuge Association, National Audubon Society, Audubon Naturalist Society of the Mid-Atlantic States, Defenders of Wildlife, Sierra Club, Environmental Defense Fund, and National Parks and Conservation Association, October 1989.

Meetings with Chincoteague Refuge Manager, Seashore Superintendent, and representatives of Accomack County, Town of Chincoteague, Chincoteague Chamber of Commerce, The Wilderness Society, Committee to Preserve Assateague Island, Inc., National Wildlife Refuge Association, National Audubon Society, Audubon Naturalist Society of the Mid-Atlantic States, Defenders of Wildlife, Sierra Club, Environmental Defense Fund, National Parks and Conservation Association, and Izaak Walton League of America, December 1989 and April, May, July, and November 1990.

(Note: At the five meetings, various of the groups mentioned were represented).

Master Planning Bulletins/letters to present update on process and urge public participation sent to 200–300 individuals, groups and agencies, October 1990 and January, July, and November, 1991.

Public scoping meeting, Chincoteague Fire House, in attendance were over 60 people including Congressman Bateman's staff, members of the public and representatives of FWS, NPS, Town of Chincoteague, Assateague Island Mobile Sport Fisherman Association, Wicomico Environmental Trust, Wicomico Bird Club, Worcester Environmental Trust, AJ's Restaurant, Salisbury Zoo, Corner Book Store, and Eastern Shore of Virginia Angler's Club, November 27, 1990.

All agencies and individuals are urged to provide comments and suggestions for improving this EIS as soon as possible. All comments received by the dates given above will be considered in preparation of the final EIS for this proposed action.

The FWS has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Order E.O. 11821 as amended by E.O. 11949 and OMB Circular A–107.

Dated: February 7, 1992.

Ronald E. Lambertson,

Regional Director.

[FR Doc. 92–3760 Filed 2–18–92; 8:45am]

BILLING CODE 4310–55–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32014]

Dallas, Garland & Northeastern Railroad, Inc.—Lease and Operation Exemption—Missouri Pacific Railroad Co.

Dallas, Garland & Northeastern Railroad, Inc., (DGNO),[1] has filed a verified notice for an exemption to: (1) Lease and operate a Missouri Pacific Railroad Company (MP) line between milepost 713.6, at Greenville, TX, and milepost 750.749, near Garland, TX; and (2) operate an abandoned line that DGNO is purchasing from MP, between milepost 688.1, at Trenton, TX, and milepost 713.6.[2]

[1] DGNO is a noncarrier subsidiary of RailTex, Inc., a holding company that controls other carriers. Before consummation of the subject transactions, the stock of DGNO is to be transferred to a trustee, pursuant to an independent voting trust agreement under 49 CFR 1031.1

[2] The line was abandoned in 1987 by MP's predecessor. See Docket No. AB–102 (Sub-No 23X), Missouri-Kansas-Texas Railroad Company—Abandonment Exemption—In Fannin and Hunt Counties, TX.

DGNO will operate over the 62.6-miles of line, interchanging with MP at Garland and with the Texas Northeastern Division of Mid-Michigan Railroad at Trenton.[3] Interchanges with other carriers also may be established at Greenville. The transactions were expected to be consummated immediately after the February 7, 1992, effective date of the exemption.

Any comments must be filed with the Commission and served on Kelvin J. Dowd, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: February 12, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-3814 Filed 2-18-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32015]

Dallas, Garland & Northeastern Railroad, Inc.—Trackage Rights Exemption—Dallas Area Rapid Transit

Dallas Area Rapid Transit (DART) has agreed to grant local trackage rights to Dallas, Garland & Northeastern Railroad, Inc. (DGNO), over 4.451 miles of line between mileposts 750.749 and 755.2, near Garland, TX. The exemption became effective on February 7, 1992.

DGNO will use these trackage rights in connection with its lease and operation of lines that are the subject of a notice of exemption in Finance Docket No. 32014, Dallas, Garland & Northeastern Railroad, Inc.—Lease and Operation Exemption—Missouri Pacific Railroad Company.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on Kelvin J. Dowd, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendicino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Dated: February 12, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-3815 Filed 2-18-92; 8:45]

BILLING CODE 7035-01-M

[3] In Finance Docket No. 32015, Dallas, Garland & Northeastern Railroad, Inc.—Trackage Rights Exemption—Dallas Area Rapid Transit, DGNO has filed a verified notice to exempt its acquisition of trackage rights over 4.451 miles of Dallas Area Rapid Transit line to facilitate interchange with MP at Garland.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of 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 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before April 6, 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 of 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 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 records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force (N1-461-91-1). United States Air Force Academy cadet personnel records.

2. Department of the Air Force (N1-AFU-91-44). Performance reporting and quality control forms.

3. Department of the Air Force (N1-AFU-91-46). Routine log books of search and rescue mission. (Narrative reports of missions and non-routine log books are proposed as permanent.)

4. Department of the Air Force (N1-AFU-92-14). Flight operations submission form.

5. Department of the Air Force (N1-AFU-92-16). Applications for Air Force Junior Reserve Officer Training Corps.

6. Department of the Air Force (N1-AFU-92-21). Personnel identification certificates.

7. Department of the Navy, Commander in Chief, U.S. Pacific Command (N1–181–92–1). Routine internal administrative and housekeeping correspondence.

8. Defense Logistics Agency (N1–361–92–2). Routine and facilitative records relating to reutilization and marketing.

9. Department of Agriculture, Farmers Home Administration (N1–96–92–1). County field office loan application files and operational files.

10. Department of Energy (N1–434–91–6). Grant case files relating to the development of new technology and application of existing technologies.

11. Farm Credit Administration (N1–103–92–2). Enforcement case files.

12. Federal Trade Commission (N1–122–92–1). Premerger notification and report files.

13. Department of Health and Human Services, Centers for Disease Control (N1–442–92–1). Contract files for vaccines.

14. United States Information Agency, Bureau of Educational and Cultural Affairs (N1–306–92–2). Routine and facilitative records relating to the donation of materials.

15. Peace Corps, Office of Training and Program Support (N1–490–92–1). Routine administrative records from the Women in Development Program.

16. Department of State, Bureau of Intelligence and Research (N1–59–91–18). Routine, facilitative, and duplicative records.

17. Department of State, Policy Planning Staff (N1–59–92–2). Routine, facilitative, and duplicative records.

18. Department of State, Bureau for Refugee Programs (N1–59–92–4). Files on cooperative agreements and contributions to international organizations.

19. Department of State, Bureau of Consular Affairs (N1–59–92–5). Visa case files.

20. Department of State, Foreign Service Posts (N1–84–92–2). Visa case files.

21. Tennessee Valley Authority (N1–142–91–8). Malaria epidemiological data.

22. Department of Veterans Affairs (N1–15–92–1). Background material for the reports to Congress required by the Privacy and Freedom of Information Acts.

Dated: February 11, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92–3761 Filed 2–18–92; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL COMMISSION ON CHILDREN

Hearing

Background

The National Commission on Children was created by Public Law 100–203, December 22, 1987 as an amendment to the Social Security Act. The purpose of the law is to establish a nonpartisan Commission directed to study the problems of children in the areas of health, education, social services, income security, and tax policy.

The powers of the Commission are vested in Commissioners consisting of 36 voting members as follows:

1. Twelve members appointed by the President,

2. Twelve members appointed by the Speaker of the House of Representatives,

3. Twelve members appointed by the President pro tempore of the Senate.

This notice announces a Meeting of the National Commission on Children to be held in Airlie, Virginia.

Meeting

Time: 8:30 a.m.–4 p.m, Monday, February 24, 1992.

Place: Airlie Conference Center, Airlie, Virginia 22186.

Status: Open to the public.

Agenda: Commission Meeting.

Contact: Jeannine Atalay, (202) 254–3800.

John D. Rockefeller IV,

Chairman, National Commission on Children.

[FR Doc. 92–3820 Filed 2–18–92; 8:45 am]

BILLING CODE 6820–37–M

NUCLEAR REGULATORY COMMISSION

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 January 27, 1992, through February 6, 1992. The last biweekly notice was published on February 5, 1992 (57 FR 4483).

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 March 20, 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.

Arizona Public Service Company, et al., Docket No. STN 50-530, Palo Verde Nuclear Generating Station, Unit 3, Maricopa County, Arizona

Date of amendment request: December 20, 1991

Description of amendment request: The proposed amendment would allow the substitution of up to 80 fuel rods clad with advanced zirconium alloys other than Zircaloy-4 in two fuel assemblies for in-reactor performance evaluation during fuel cycles 4, 5, and 6.

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:

Standard 1—Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment would allow for limited substitution of Zircaloy-4 clad fuel rods in the reactor core with fuel rods clad with advanced zirconium-based alloys. Specifically, the amendment allows for the substitution of up to 80 fuel rods with rods clad with zirconium-based alloys other than Zircaloy-4 in two fuel assemblies. The reactor core is composed of 241 fuel assemblies, each containing 236 fuel or burnable poison rods. Thus, less than 0.2% of the total number of rods in the core will be clad with the advanced zirconium-based alloys.

The fuel rods clad with the advanced zirconium-based alloys will be identical in design and dimension to the fuel rods clad with conventional Zircaloy-4. The advanced cladding materials used in the demonstration fuel assemblies were chosen based on the improved corrosion resistance exhibited in ex-reactor autoclave corrosion tests in both high-temperature water and steam environments. Fuel rods clad with similar types of advanced zirconium-based alloys have been successfully irradiated in high-temperature [pressurized water reactors] in Europe.

The mechanical properties of the clad made from the advanced zirconium-based alloys are comparable to Zircaloy-4. Specifically, the cladding material made from the advanced zirconium-based alloys meet all the mechanical requirements of the conventional Zircaloy-4 procurement specifications. Thus, the cladding and structural integrity of the fuel rods and fuel assemblies that have the advanced zirconium-based alloys will be maintained.

Additionally, the behavior of the new cladding material under normal operation, anticipated operational occurrences, and postulated accidents (including LOCA) was considered. Due to the similarity of the physical properties of the advanced zirconium-based alloys to Zircaloy-4, as discussed above, the advanced alloys are expected to result in clad and fuel performance similar to Zircaloy-4, such that the reload design and safety analysis limits will not be changed. Specifically, the 10 CFR 50.46 LOCA acceptance criteria will be satisfied for the advanced zirconium-based cladding.

Therefore, based on the similarity of the design and the expected performance of the fuel rods clad with the advanced zirconium-based alloys, the proposed amendment will not significantly increase the probability or the consequences of an accident previously evaluated.

Standard 2—Would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The limited substitution of fuel rods clad with advanced zirconium-based alloys other than Zircaloy-4 will not result in any alteration to plant equipment or procedures which would introduce any new or unique operational modes or accident initiators. Additionally, as noted in the response to Standard 1 above, the design and performance criteria for fuel clad will be met.

Thus, it is concluded that the limited substitution of fuel rods clad with zirconium-based alloys other than Zircaloy-4 will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3—Would not involve a significant reduction in a margin of safety.

As noted in the response to Standard 1 above, the design and performance of the fuel rods clad with advanced zirconium-based alloys are expected to be within those observed for fuel rods clad with conventional Zircaloy-4. This expectation is based on autoclave and other material testing results and the material similarities. Additionally, the two fuel assemblies containing the fuel rods clad with the advanced zirconium-based alloys will be positioned in the core such that the rods will [neither experience the limiting burnup nor the highest power density.] Thus, due to this placement scheme and the similarity in performance to Zircaloy-4, the fuel rods clad with the advanced zirconium-based alloys will not [be "limiting" with respect to any safety acceptance criterion.]

Furthermore, the two demonstration fuel assemblies with the fuel rods clad with the advanced zirconium-based alloys will be visually examined and the thickness of the oxide layer will be measured at the end of each operating cycle to confirm satisfactory performance. In the unlikely event that unsatisfactory performance is indicated, the two demonstration fuel assemblies feature reconstitutable upper end fittings to allow for reconstitution of the fuel assembly.

As a result of the factors presented above, the limited substitution of fuel rods clad with zirconium-based alloys other than Zircaloy-4 will not significantly reduce a margin of safety.

The NRC staff has reviewed the licensees' 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: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Attorney for licensees: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072-3999

NRC Project Director: Theodore R. Quay

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: December 16, 1991

Description of amendment request: The proposed amendment revises the calibration measurement instrumentation in Technical Specification (TS) 4.2.3.5 to change the allowable time period for calibration of instrumentation utilized in the performance of the reactor coolant system colorimetric flow measurement from 7 to 21 days.

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: This change does not involve a significant hazards consideration for the following reasons:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change only increases the maximum calibration period of the measurement instrumentation used for the precision heat balance measurement from 7 days to 21 days prior to the test. The 21 day interval is within the 30 day bounds assumed by Westinghouse in the error analysis for the precision heat balance measurement instrumentation. Further, an analysis of vendor transmitter test data shows that any increase in instrument drift between 7 days and 21 days is negligible. Therefore, there would be no significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The only logical mechanism for increasing the possibility of a new or different kind of accident by the proposed increase in the allowed calibration interval would be an adverse impact on the error analysis for the precision heat balance measurement. However, both the Westinghouse analysis and vendor test data show that an increase from 7 days to 21 days will have no significant impact on this analysis. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

An increase in the allowable calibration time interval from 7 to 21 days has no effect on the RCS flow measurement uncertainty which forms the current basis for the Final Safety Analysis Report Chapter 15 accident analyses and the plant Technical Specifications. Additionally, the proposed

change does not introduce new equipment or alter the way existing surveillance or testing are performed. 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 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: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

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

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: January 21, 1992

Description of amendments request: Commonwealth Edison Company, the licensee, submitted an application to amend the Technical Specifications for Quad Cities Nuclear Power Station, Units 1 and 2. The proposed amendments would change a specific action provision for the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) systems. The current action provision requires shutdown to a reactor pressure below 150 psig upon failure of either the low pressure or high pressure flow tests of HPCI and RCIC. The proposed amendments would still require shutdown upon failure of the low pressure flow test but, upon failure of the high pressure flow test would allow 14 days before shutdown is 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. Involve a significant increase in the probability or consequences of an accident previously evaluated because:

ITEM A

The proposed change would limit the action provisions of TS 3.5.C.2 to require entry into the Action Specification of TS 3.5.C.4 (24 hour shutdown and pressure reduction) only upon failure to meet the low reactor pressure flow rate testing provisions of TS 4.5.C.3.a for the HPCI system and not upon failure to meet the normal operating pressure flow rate test of TS 4.5.C.3.b. No accident initiator or precursors are changed by the proposed change, and by reducing the likelihood of plant transients and challenges to safety systems, the realistic probability of a Reactor Coolant Pressure Boundary failure accident as previously evaluated is not altered as a result of the proposed change to TS 3.5.C.2. Therefore, the proposed change would in no way significantly increase the probability of an accident previously evaluated.

The unavailability of the HPCI system during a design basis accident is within the design assumptions for ECCS component operation. The proposed change to TS 3.5.C.2 would not change or alter the design assumptions used in the limiting basis LOCA concurrent with the worst single failure. In the accident analysis, the HPCI single failure is bounded by the battery failure case which assumes two failures (i.e., battery and HPCI). The recirculation suction line break with battery failure is the limiting DBA break/failure combination satisfying the requirements of 10 CFR 50, Appendix K. The proposed change to TS 3.5.C.2 does not change the compensatory action provisions of current TS 3.5.C.3, which include that RCIC remain operable to perform a similar function; nor will the proposed amendment extend the Allowable Outage Time [sic] beyond the 14 days as previously approved. Therefore, the proposed amendment to change TS 3.5.C.2 would not significantly affect the consequences of an accident previously evaluated.

ITEM B

The proposed change to TS 3.5.E.2 would in the same way reduce the likelihood of plant transients and challenges to safety systems and therefore in no way alters the accident initiators or precursors that could result in a Reactor Coolant Pressure Boundary failure accident as previously evaluated. A unit shutdown and reduction in pressure to less than 150 psig would still be imposed should the low reactor pressure test of TS 4.5.E.3.a fail. The current remedial actions of TS 3.5.E.3 would apply should RCIC fail to meet the required flow rate at normal operating pressure. Therefore, deleting the requirement that would lead to unnecessary cycling would in no way significantly increase the probability of an accident previously evaluated.

RCIC system ability to provide makeup coolant to the reactor pressure vessel during an isolation accompanied by a loss of feedwater is used to evaluate plant response to transient events. However, the RCIC system is not an Emergency Core Cooling system and no credit is taken in the safety analysis for RCIC operation. Therefore, the proposed change to limit the action provision of TS 3.5.E.2 concurrent with the compensatory action of current TS 3.5.E.3, which requires that HPCI be operable to perform a similar function, cannot significantly affect the consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated because:

ITEM A

The proposed change to TS 3.5.C.2 does not change the design intent of the HPCI system nor are any physical plant changes proposed by the amendment request. ECCS performance without the availability of HPCI as a postulated failure has been previously evaluated and found to be acceptable. No new or different modes of operation, other than those already evaluated, are introduced by the proposed change to TS 3.5.C.2, therefore, there is no possibility of a new or different kind of accident from any previously evaluated.

ITEM B

The proposed change to TS 3.5.E.2 for the RCIC system does not result in any physical plant changes, nor does the proposed change to TS 3.5.E.2 involve any new or different operating modes of operation, therefore, there is no possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in the margin of safety because:

ITEM A

The proposed change to TS 3.5.C.2 makes no change to the accident or transient analysis of the plant. Plant operations and safety are improved by not imposing unnecessary shutdowns and challenges to plant safety systems. The current compensatory measures of TS 3.5.C.3 are not changed by the proposed amendment; nor is any established safety limit, operating limit or design assumption affected by the proposed amendment. Therefore, the proposed change does not involve a reduction in a margin of safety.

ITEM B

The proposed change to TS 3.5.E.2 makes no change to the accident or transient analysis of the plant nor are plant operations made less conservative. Plant operations and safety are improved by not imposing unnecessary shutdowns and challenges to plant safety systems. The compensatory measure which requires that HPCI remain operable will not be changed nor will the Allowable Outage Time be extended beyond the previously approved 14 days. No established safety limit, operating limit or design assumption is altered by the proposed amendment. Therefore, the proposed change does not involve a reduction in a margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. The staff, therefore, proposes to determine that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Dixon Public Library, 221 Hennipin Avenue, Dixon, Illinois 61021.

Attorney for licensee: Michael I. Miller, Esquire, Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

NRC Project Director: Richard J. Barrett

Duquesne Light Company, et. al., Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: January 13, 1992

Description of amendment request: The proposed amendment would revise Table 3.2-1 of Technical Specification 3.2.5, "DNB Parameters." Specifically, it would lower the value for the minimum required reactor coolant system (RCS) total flow rate from 274,800 gpm to 270,850 gpm and lower the flow measurement uncertainty value, specified in the footnote, from 3.5% to 2.0%.

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.

A. The change does not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because the accident analyses are not affected by this proposed change. The RCS thermal design flow rate of 265,500 gpm remains unchanged, and it will continue to be monitored once per 12 hours in accordance with Surveillance Requirement 4.2.5.1.1. The change does not affect the operation or function of the RCS, does not involve any physical modification to the facility, and does not affect the manner in which the facility is operated.

B. The change does not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because it does not change system configurations, plant equipment or the safety analyses performed for the facility. The proposed change merely changes the RCS flow uncertainty value to the latest value determined from a heat balance.

C. The change does not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because it does not change the RCS thermal design flow rate of 265,500 gpm which is used in all accident analyses. Therefore, the proposed change does not involve a signficant reduction in the margin of safety.

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: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John F. Stolz

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: February 27, 1991

Description of amendment request: The amendment would replace the current License Condition 2.C(36) Attachment 1, Item (C)(4) which requires implementation of the requirements of Regulatory Guide 1.97 for flux monitoring prior to startup following the fifth refueling outage. The proposed new license condition would allow implementation of the Regulatory Guide 1.97 flux monitoring to be deferred until after the NRC staff completes their review of the BWR Owner's Group appeal of the NRC staff's Regulatory Guide 1.97 requirements.

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. No significant increase in the probability or the consequences of an accident previously evaluated results from this proposed change because:

A change in the existing GGNS [Grand Gulf Nuclear Station] commitment to install an excore NFMS [Neutron Flux Monitoring System] before start-up from RF05 [fifth refueling outage] does not involve a significant increase in the probability of an accident previously evaluated since the previously proposed excore NFMS would not affect reactor operation and is not an initiator for any previously evaluated accidents. The previously proposed excore NFMS would provide post-accident indication of reactor power and would not have provided any signals to actuate engineered safety systems or to trip the reactor. Furthermore, reactor trip signals from the currently installed neutron monitoring system to the reactor protection system would not have been changed by the addition of the proposed excore NFMS.

The change in the existing GGNS commitment to install an excore NFMS before start-up from RF05 would not cause the consequences of an accident previously analyzed to increase significantly since:

a. The NRC Staff has recognized ... that an upgraded or new flux monitoring system would be of value primarily for currently undefined accidents which are outside the design basis.

b. The existing SRM/IRM [source range monitor/intermediate range monitor] system is expected to function during at least the initial phase of an accident (including a LOCA [loss-of-coolant accident]) to indicate subcritical reactor power. Long term post-LOCA monitoring is available through the APRM [average power range monitor] channels where operator action is required at the APRM downscale alarm. In addition, other measures and indications can provide the operator with reactor power information as discussed below:

i. The present control rod position indication system provides the reactor operator with information that all rods are inserted.

ii. Qualified instrumentation such as reactor pressure, suppression pool temperature, and safety relief valve (SRV) actuation provide the reactor operator with post-accident information for assessment of reactor power.

c. Under a potential event as considered in the NRC Safety Evaluation Report on NEDO-31558 ..., the GGNS symptom based Emergency Procedures (EPs) provide appropriate conservative actions if reactor power cannot be directly measured in a post-accident condition. The EPs contain action steps which mitigate the symptomatic effects of design basis events (such as LOCA) and beyond design basis events (such as ATWS [anticipated transient without scram]) along with potential degraded core events.

Therefore, the probability or the consequences of an accident previously evaluated will not be significantly increased by this change from the existing commitment to install an excore NFMS before start-up from RF05. GGNS implementation of RG 1.97 flux monitoring under the proposed change would be required as determined necessary by the final resolution of the issue, as reviewed and approved by the NRC Staff.

2. This proposed change will not create the possibility of a new or different kind of accident than any previously evaluated because:

The excore NFMS previously committed to would provide supplemental post-accident monitoring capability only, by providing additional operator information in order to perform possible mitigative actions during undefined, beyond-design-basis events. Its installation would not preclude or prevent any action. As such, the proposed change (which would allow GGNS implementation of RG [Regulatory Guide] 1.97 flux monitoring after the final determination of necessary BWR [boiling-water reactor] RG 1.97 flux monitoring requirements) will not create the possibility of a new or different kind of accident. During the evaluation period to determine the conclusive RG 1.97 flux monitoring requirements and any period necessary for implementation, the existing SRM/IRM neutron monitoring system will remain unchanged from the configuration that was previously evaluated in the FSAR [Final Safety Analysis Report].

Therefore, the possibility of a new or different kind of accident than any previously evaluated would not be changed by the proposed change from the existing commitment to install an excore NMS [neutron monitoring system] prior to start-up from RF05. GGNS implementation of RG 1.97 flux monitoring under the proposed change would be required as determined necessary by the final resolution of the issue, as reviewed and approved by the NRC Staff.

3. This proposed change does not involve a significant reduction in the margin of safety because:

The current GGNS margin of safety is established by the existing SRM/IRM neutron monitoring system and the shutdown margin of the control rod system. The design, function, and operation of the existing GGNS IRM/SRM neutron monitoring system will remain the same as that described in the UFSAR [Updated FSAR]. No additional reactor protection trip functions would be performed by the excore NFMS previously committed to for RF05 installation. EP actions are conservative with respect to the use of the existing neutron monitoring system for verification that the reactor is shutdown. Given that the excore NFMS previously committed to has not been determined to provide necessary information to operators for any defined accident scenario ..., GGNS operation with current procedures and the existing neutron monitoring system maintains the existing margin of safety.

Therefore, the margin of safety is not significantly reduced by the proposed change from the existing commitment to install an excore NFMS prior to start-up from RF05. GGNS implementation of RG 1.97 flux monitoring under the proposed change would be required as determined necessary by the final resolution of the issue, as reviewed and approved by the NRC Staff.

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: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., 12th Floor, Washington, DC 20005-3502

NRC Project Director: John T. Larkins

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York

Date of amendment request: January 17, 1992

Description of amendment request: The proposed amendment would revise License Conditions 2.c.(3)b and 2.c.(3) to increase the number of fuel assemblies in the spent fuel pool, allowed out of approved storage locations, from one to three. This allows rechanneling of fuel using both fuel preparation machines.

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:

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed license amendment increases the number of fuel assemblies in the spent fuel pool, allowed out of approved storage locations, from one to three. However, analyses have been performed demonstrating that no four assemblies in any configuration can be made critical, provided a 12 inch spacing between [the] assemblies [and all other fuel] is maintained. With a limit of three assemblies out of their storage locations at any one time a criticality event cannot occur. Administrative and procedural controls assure compliance with the license condition. Thus, this amendment does not affect the probability of criticality and/or a radiological event.

The proposed change of license condition 2.C.(3)c from "four" to "three" fuel assemblies merely reflects the proposed change in License Condition 2.C.(3)b and maintains consistency. This change is administrative in nature and does not affect the probability or consequences of any accident. Therefore, operation in accordance with the proposed amendment will not involve any increase in the probability or consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The Staff's Safety Evaluation dated November 27, 1985, issued in support of Special Nuclear Materials License No. SNM-1895 for NMP2 states, on page 6, that "Calculations have indicated that three assemblies out of storage cannot be made critical under any conditions." Other General Electric calculations have indicated that four assemblies out of storage cannot be made critical under any conditions [provided a 12 inch spacing between the assemblies and all other fuel is maintained]. Thus, increasing the number of fuel assemblies allowed out of their shipping containers or storage racks to three will not create a criticality concern.

The proposed change of license condition 2.C.(3)c from "four" to "three" fuel assemblies merely reflects the proposed change in License Condition 2.C.(3)b and maintains consistency. This change is administrative in nature and does not alter any fuel handling requirements. Therefore, operation in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The proposed license amendment does not change any of the requirements contained in Technical Specification Limiting Conditions for Operation and Surveillance Requirements or affect any of their assumptions or bases. All fuel movement will still be in accordance with the Administrative Controls contained in the Technical Specifications, therefore assuring compliance with the proposed amendment. Calculations have demonstrated that up to four bundles in any configuration cannot be made critical, [provided a 12 inch spacing between the assemblies and all other fuel is maintained.] [T]herefore compliance with the proposed amendment provides adequate margin against an inadvertent criticality.

The proposed change of License Condition 2.C.(3)c from "four" to "three" fuel assemblies merely reflects the proposed change in License Condition 2.C.(3)b and maintains consistency. Therefore, operation of Nine Mile Point Unit 2, in addition with the proposed amendment, will 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: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502

NRC Project Director: Robert A. Capra

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York

Date of amendment request: January 29, 1992

Description of amendment request: The proposed amendment would revise Technical Specifications Sections 1.31, "Primary Containment Integrity;" 3/4.6.1, "Primary Containment;" 3/4.6.3 "Primary Containment Isolation Valves;" 3/4.8.4, "Electrical Equipment Protective Devices; and associated Tables 3.6.3-1, 3.8.4.1-1 and 3.8.4.3-1. These proposed changes remove the associated tables and all references contained in the Technical Specifications in accordance with Generic Letter 91-08. Removal of these limits permits administrative control of changes to these lists without processing a license amendment.

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:

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Removal of the component lists and correction of the typographical error does not alter existing Technical Specification Operability or Surveillance Requirements or those components to which they apply. Therefore, the proposed changes do not increase the probability or consequences of any accident previously evaluated.

The operation of the Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

An appropriate description of the removed components has been incorporated in the associated Technical Specification requirements in lieu of the component lists or references thereto. The lists of components to which the Technical Specification requirements apply will be incorporated in plant procedures under the change control provisions in the Administrative Controls Section of the Technical Specifications. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The Technical Specification Limiting Conditions For Operation or Surveillance Requirements for the removed components are not being altered. The component lists will be incorporated into plant procedures which are controlled by administrative procedures which require that all changes be evaluated in accordance with 10 CFR 50.59. The plant procedures will be under the change control provisions in the Administrative Controls Section of the Technical Specifications. Therefore, the proposed changes do not adversely affect a limiting Safety System Setting or 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: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502

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: December 20, 1991, as supplemented January 14, 1992.

Description of amendment request: The licensee requests an amendment to the Technical Specifications to revise Section 3.2 (Chemical and Volume Control System), Section 3.3.A (Safety Injection and Residual Heat Removal Systems), and Section 3.3.B (Containment Cooling and Iodine Removal Systems). These sections would be revised to provide for an increased boron concentration in the refueling water storage tank (RWST) and related changes. These changes are required to support the use of a higher enriched core which the licensee intends loading to support a 24-month operating cycle.

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:

No. The evaluation of the proposed changes to the IP3 [Indian Point Nuclear Generating Unit No. 3] technical specifications indicates that the proposed changes will not adversely affect the RWST [refueling water storage tank] material or any other stainless steel surface that may come into contact with the RWST fluid. The changes do not alter the design, material and construction standards of the RWST and other potentially affected Nuclear Steam Supply System (NSSS) components that were applicable prior to the technical specification changes. The changes will not affect the phenomenon of Primary Water Stress Corrosion Cracking (PWSCC).

Injection of refueling water and NaOH into the containment post-accident is a safety related function designed to mitigate the consequences of the accident. The availability of this equipment is unrelated to accident initiation.

The previously analyzed consequences or probabilities of potential corrosion events have not been increased. Therefore, the probability and consequences of these accidents are not affected by these changes.

The probability and consequences of the non-loss of coolant accidents (LOCA) previously evaluated do not change due to the fact that the RWST boron concentration is not used as an input in the current IP3 licensing basis non-LOCA transient analyses. Further, following a large break loss of coolant accident (LBLOCA) iodine removal from the containment atmosphere by sprays, iodine retention in the sump solution and the generation of hydrogen within the containment are not adversely affected by the changes.

With regard to the consequences of accidents previously evaluated, the small break loss of coolant accident (SBLOCA) and LBLOCA peak clad temperatures (PCT) will remain below the 2200° F limit. Since the PCT will remain below the limit, the radiological releases will not be adversely affected.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

No. The proposed changes will not cause the initiation of any accidents nor create any new credible single failure. The changes do not result in any event previously deemed as incredible being made credible. The changes do not alter the design, material and construction standards of the RWST and other potentially affected Nuclear Steam Supply System (NSSS) components that were applicable prior to the technical specification changes. No new modes of operation are proposed for any components or systems involved in the changes and these components will function exactly as currently described in the IP3 FSAR [Final Safety Analysis Report]. The changes will not create any new credible LOCA because RCS component boron concentrations are already modeled in LOCAs currently analyzed.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

No. The proposed changes will not significantly affect the operation of the RWST or related components. Therefore, the Technical Specification changes will not reduce the margin of safety.

The changes do not invalidate any of the IP3 non-LOCA safety analysis results or conclusions. All of the non-LOCA safety analysis acceptance criteria continue to be met.

Iodine retention in the post-LOCA sump solution is not adversely affected by the proposed changes. Therefore, the radiological consequences of the LOCA are not affected and remain within the 10 CFR 100 does acceptance criteria.

There is no adverse affect on containment post-LOCA hydrogen production and concentrations in containment will be maintain[ed] below the limit of 4.0 vol.%.

The proposed changes will not result in the SBLOCA or LBLOCA PCTs exceeding the acceptance limit of 2200° F, or in exceeding any other acceptance criterion defined in 10 CFR 100. [Though penalties associated with these evaluations have slightly increased the PCTs, considerable margins are still maintained to the 2200 ° F limit.] Therefore, the proposed changes will not result in a significant reduction in 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

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: December 30, 1991

Description of amendment request: The licensee requests an amendment to the Technical Specifications to revise Section 6.0 (Administrative Controls). This section would be revised to reflect a management reorganization at the site. The management reorganization includes position title changes, the creation of two new senior level management positions on the same tier as the Superintendent of Power, the reassignment of position responsibilities, and the restructuring of the Plant Operating Review Committee (PORC). Additionally, Section 6.0 would be retyped in its entirety for format consistency and to correct 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:

No, the proposed amendment does not involve an increase in the probability or consequences of a previously evaluated accident. None of the proposed changes affect assumptions contained in plant safety analyses, or the physical design or operation of the plant.

The reorganization of senior plant management does not compromise the safe operation of the plant since position qualifications have not been diminished. The reorganization will improve communication, responsiveness, and effectiveness of operations at the plant by creating specific functional lines of responsibility. Although the distribution of position responsibilities has changed, the responsibilities themselves have not been diminished. The changes do not alter the Power Authority's commitment to maintain a management structure that contributes to the safe operation and maintenance of the plant.

The proposed changes to the Plant Operating Review Committee (PORC or Committee) reflect the management reorganization, enhance the Committee's expertise and allow greater flexibility in achieving a quorum.

The level and quality of the PORC's review would not be adversely altered by the proposed changes. The PORC is currently composed of five members, a chairman, and a vice-chairman from the Indian Point 3 onsite operating organization at the Superintendent level or above. This composition is not diminished by the proposed changes. The new members would hold positions at or above the Superintendent level, and would meet or exceed the minimum qualifications of ANSI [American National Standards Institute] N18.1-1971 for comparable positions. The work experience/knowledge of the new members would enhance the Committee's expertise. Consistency is maintained from meeting to meeting by requiring that, at a minimum, a majority of the members be present.

The position title changes, the correction of inadvertent errors made by previous amendments, the correction of typographical errors, and the font and repagination changes are administrative in nature and, other than assuring the correctness and readability of technical specifications, are of no significance to the safe operation of the plant.

The proposed shifting of responsibility for Fire Brigade training from the Training Coordinator (Superintendent) to the Fire Protection and Safety Manager (FP&SM) is logical in that the FP&SM is cognizant of fire protection regulations and would, therefore, be better qualified to administer fire protection training requirements.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

No, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated. None of the proposed changes affect assumptions contained in plant safety analyses, or the physical design or operation of the plant.

The reorganization of senior plant management does not compromise the safe operation of the plant since position qualifications have not been diminished. The reorganization will improve communication, responsiveness, and effectiveness of operations at the plant by creating specific functional lines of responsibility. Although the distribution of position responsibilities has changed, the responsibilities themselves have not been diminished. The changes do not alter the Power Authority's commitment to maintain a management structure that contributes to the safe operation and maintenance of the plant.

The proposed changes to the Plant Operating Review Committee (PORC or Committee) reflect the management reorganization, enhance the Committee's expertise and allow greater flexibility in achieving a quorum.

The level and quality of the PORC's review would not be adversely altered by the proposed changes. The PORC is currently composed of five members, a chairman, and a vice-chairman from the Indian Point 3 onsite operating organization at the Superintendent level or above. This composition is not diminished by the proposed changes. The new members would hold positions at or above the Superintendent level, and would meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions. The work experience/knowledge of the new members would enhance the Committee's expertise. Consistency is maintained from meeting to meeting by requiring that, at a minimum, a majority of the members be present.

The position title changes, the correction of inadvertent errors made by previous amendments, the correction of typographical errors, and the font and repagination changes are administrative in nature and, other than assuring the correctness and readability of technical specifications, are of no significance to the safe operation of the plant.

The proposed shifting of responsibility for Fire Brigade training from the Training Coordinator (Superintendent) to the Fire Protection and Safety Manager (FP&SM) is logical in that the FP&SM is cognizant of fire protection regulations and would, therefore, be better qualified to administer fire protection training requirements.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

No, the proposed amendment does not involve a significant reduction in a margin of safety. The proposed changes do not relate to or modify the safety margins defined in and maintained by the Technical Specifications.

The reorganization changes do not alter the Power Authority's commitment to maintain a management structure that contributes to the safe operation and maintenance of the plant.

The reorganization of senior plant management does not compromise the safe operation of the plant since position qualifications have not been diminished. The reorganization will improve communication, responsiveness, and effectiveness of operations at the plant by creating specific functional-lines of responsibility. Although the distribution of position responsibilities has changed, the responsibilities themselves have not been diminished.

The level and quality of the PORC's review would not be adversely altered by the proposed changes. The PORC is currently composed of five members, a chairman, and a vice-chairman from the Indian Point 3 onsite operating organization at the Superintendent level or above. This composition is not diminished by the proposed changes. The new members would hold positions at or above the Superintendent level, and would meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions. The work experience/knowledge of the new members would enhance the Committee's expertise. Consistency is maintained from

meeting to meeting by requiring that, at a minimum, a majority of the members be present.

The position title changes, the correction of inadvertent errors made by previous amendments, the correction of typographical errors, and the font and repagination changes are administrative in nature and do not affect plant safety.

Based on the discussion and evaluation above, the Power Authority has concluded that the proposed Technical Specification changes do not involve a significant hazards consideration.

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

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: January 8, 1992

Description of amendment request: The licensee requests an amendment to the Technical Specifications to revise Section 5.3 (Reactor) and Section 6.9 (Reporting Requirements). These sections would be revised to reflect the use of ZIRLO, as well as Zircaloy-4, fuel rod cladding (ZIRLO is a trademark of the Westinghouse Electric Corporation). The licensee intends loading fuel with ZIRLO cladding during the Cycle 8/9 refueling outage which is scheduled for April to June 1992. The amendment request also requests exemptions from several Code of Federal Regulations (CFR) requirements, specifically 10 CFR 50.44, 10 CFR 50.46, and Appendix K to 10 CFR Part 50, since these regulations make specific references to fuel pellets with Zircaloy cladding.

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:

The proposed amendment does not involve a significant increase in the probability or consequences of a previously-analyzed accident.

The VANTAGE 5 fuel assemblies containing ZIRLO™ clad fuel rods meet the same fuel assembly and fuel rod design bases as VANTAGE 5 fuel assemblies in other regions. The ZIRLO™ clad fuel rods meet the criteria of 10 CFR 50.46. Using ZIRLO™ clad fuel rods will not change the IP3 VANTAGE 5 reload design or safety analysis limits. The ZIRLO™ cladding is similar in chemical composition and has similar physical and mechanical properties as that of Zircaloy-4. Thus, the cladding and structural integrity are maintained. The ZIRLO™ cladding improves corrosion resistance and dimensional stability. The radiological consequences of accidents do not change because the dose rate predictions are not sensitive to cladding material changes.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The fuel assemblies with ZIRLO™ cladding will satisfy the same design bases as the fuel assemblies in other fuel regions, so the ZIRLO™ clad rods will not initiate any new accident. Also, the use of ZIRLO™ clad fuel assemblies does not involve any alteration to the plant equipment or procedures.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed amendment does not involve a significant reduction in a margin of safety.

The use of ZIRLO™ clad fuel rods will not change the IP3 reload design or safety analysis limits (such as core physics peaking factors and average linear heat rate). In addition, the 10 CFR 50.46 criteria will be met for use of ZIRLO™ clad fuel rods. [Though peak clad temperature associated with the most limiting loss of coolant accident analysis has slightly increased, the increase is insignificant and considerable margin is still maintained to the 2200° F limit.]

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

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: January 22, 1992

Description of amendment request: The proposed changes to the Surry, Units 1 and 2 Technical Specifications (TS) will allow planned entries into the 7 day action statement of TS 3.23.C.2 with one inoperable air handling unit (AHU) in the main control room (MCR) and one inoperable AHU in the emergency switchgear room (ESGR) in each unit from the same chilled water train to permit installation of chilled water connections for the two additional 50% chillers to be installed in 1992.

The proposed TS changes, in the form of a footnote, establish a 7 day action statement for planned entries and will expire on June 30, 1992.

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:

[The proposed changes will not:]

1. Involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated. Replacement of the Units 1 and 2 Air Handling Units with larger capacity AHUs has restored [the] Units 1 and 2 Main Control Room (MCR) and Emergency Switchgear Room (ESGR) AC system to its original design capability of providing two 100% redundant trains of cooling in each space. Because the AHUs in each space have been returned to [the] original design (redundant 100% capacity), plant operation with two inoperable AHUs per unit, one in each space for the duration of the action statement does not increase 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. Operation of the air conditioning system in this manner does not generate any new accident precursors because design base ventilation capability is maintained with operation of one AHU per cooled space per unit. Therefore, operation with an inoperable AHU in the MCR and ESGR for each unit for seven days to complete system modifications does not create a new or different accident from those previously evaluated.

3. Involve a significant reduction in a margin of safety. The larger capacity Units 1 and 2 AHUs have restored the Main Control Room and Emergency Switchgear Room AC system to original design capabilities. The proposed entries into the seven day action statement with one AHU inoperable per cooled space on each unit do not reduce the margin of safety since the remaining operable AHU per cooled space is capable of meeting

design base ventilation requirements. Therefore, operation with one inoperable AHU in the MCR and ESGR for each unit for the duration of the existing seven day action statement 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 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 Consideration 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.

Virginia Electric and Power Company, Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of amendment request: January 8, 1992

Brief description of amendment request: The amendment would reduce the limit for reactor coolant system total flow rate for the remaining operating period until the North Anna Unit 1 steam generators are replaced.

Date of individual notice: January 21, 1992 (57 FR 2293); corrected January 28, 1992 (57 FR 3228)

Expiration date of individual notice: February 20, 1992

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

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.

Baltimore Gas and Electric Company, Docket No. 50-317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: December 31, 1991

Brief description of amendment: The amendment revises Technical Specification (TS) 4.5.1.a.2, Emergency Core Cooling System (ECCS) Safety Injection Tanks Surveillance Requirements. Specifically, a footnote is added effective from the date this amendment is issued to exempt motor operated valve, 1-MOV-644, from the requirement to verify at least once every 12 hours that it is in the open position. The footnote will expire prior to entering Mode 3 during the restart from refueling outage 10, which is currently scheduled for the spring of 1992. The verification is not need because 1-MOV-644 has been temporarily modified to remain open by welding the valve stem to the valve yoke until the valve can be repaired or replaced during the upcoming refueling outage.

Date of issuance: January 29, 1992

Effective date: January 29, 1992

Amendment No.: 167

Facility Operating License No. DPR-53: Amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: Yes (57 FR 938 dated January 9, 1992). 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 published January 9, 1992, also provided for an opportunity to request a hearing by February 10, 1992, but indicated that if the Commission makes a final no significant hazards consideration determination, any such hearing would take place after issuance of the amendment. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: June 11, 1991

Brief description of amendment: Amendment revises thermal and pressurization limit curves and changes bases sections of the technical specifications.

Date of issuance: January 29, 1992

Effective date: January 29, 1992

Amendment No.: 140

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 10, 1991 (56 FR 31429) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

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: June 12, 1991

Brief description of amendments: This Technical Specification amendment revises the specific gravity requirements for the engineered safety feature (ESF) Division III 125 volt DC batteries.

Date of issuance: January 30, 1992

Effective date: January 30, 1992

Amendment Nos.: 82 and 66

Facility Operating License Nos. NPF-11 and NPF-18. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 10, 1991 (56 FR 31431) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 1992.

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

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station Units 1 and 2, Lake County, Illinois

Date of application for amendments: September 23, 1986, as supplemented December 14, 1987

Brief description of amendments: The amendments changed the expiration dates of Operating License No. DPR-39 from December 26, 2008 to April 6, 2013 for Zion Nuclear Power Station, Unit 1, and Operating License No. DPR-48 from December 26, 2008 to November 14, 2013 for Zion Nuclear Power Station, Unit 2.

Date of issuance: January 30, 1992

Effective date: January 30, 1992

Amendment Nos.: 132 and 121

Facility Operating License Nos. DPR-39 and DPR-48. The amendments revised the expiration date of the licenses.

Date of initial notice in **Federal Register:** November 19, 1986 (51 FR 41849) The December 14, 1987, submittal requested special handling and did not change the initial proposed no significant hazards consideration. The Commission's related evaluation of the amendments is contained in an Environmental Assessment dated November 19, 1991, and in a Safety Evaluation dated January 30, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: October 28, 1991

Brief description of amendment: This amendment revises the Palisades Technical Specifications (TS) to allow for the storage of fuel assemblies enriched to 4.20 weight percent uranium-235 in the new fuel racks, and fuel assemblies enriched to 4.40 weight percent in the Region I racks in the spent fuel pool. Specifically, changes are granted to TS Sections 5.4.1 and 5.4.2 to update the appropriate weight percent maximum enrichments, and descriptive wording, and delete the previously analyzed requirements and associated references.

Date of issuance: January 23, 1992

Effective date: January 23, 1992

Amendment No.: 140

Facility Operating License No. DPR-20. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** December 11, 1991 (56 FR 64652) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 23, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: October 22, 1990

Brief description of amendment: This amendment revises the Palisades Plant Technical Specification 4.14 "Augumented Inservice Inspection Program for Steam Generators" to become consistent with the inspection program described in the Standard Technical Specifications.

Date of issuance: February 3, 1992

Effective date: February 3, 1992

Amendment No.: 141

Facility Operating License No. DPR-20. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** December 12, 1990 (55 FR 51177) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 3, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: May 14, 1991, as supplemented December 2, 1991

Brief description of amendment: The amendment revises Technical Specification 4.8.1.1 to adjust the required starting time for the high pressure core spray (HPCS) diesel generator from 10 seconds to 13 seconds. The required speed that the HPCS diesel must achieve within 10 seconds of starting is changed from 900 revolutions per minute (rpm) to 882 rpm for the test which is run at 10-year intervals.

Date of issuance: January 13, 1992

Effective date: January 13, 1992, to be implemented within 60 days of issuance

Amendment No.: Amendment No. 63

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 21, 1991 (56 FR 41584) The December 2, 1991, submittal provided additional clarifying information and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 13, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: September 30, 1991

Brief description of amendment: The amendment revises the Technical Specification Basis and Figures 3.4.2 and 3.4.3 that describe and show how the Adjusted Reference Temperature (ART) of vessel material is determined.

Date of issuance: February 5, 1992

Effective date: February 5, 1992

Amendment No.: 128

Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 13, 1991 (56 FR 57698) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: May 23, 1991 (Reference LAR 91-04)

Brief description of amendments: The amendments revised the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 to relocate the procedural details of the current Radiological Effluent Technical Specifications (RETS) to other PG&E controlled documents. Relocation of RETS to PG&E's Radiological Monitoring and Controls Program is consistent with the guidance in NRC Generic Letter 89-01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or the Process Control Program." In addition, the amendments implement programmatic controls in the Administrative Controls sections of the DCPP TS to satisfy existing regulatory requirements for RETS.

Date of issuance: January 22, 1992

Effective date: January 22, 1992

Amendment Nos.: 67 and 66

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: July 24, 1991 (56 FR 33959) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 22, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: February 16, 1990

Brief description of amendment: This amendment revises Technical Specification 4.0.2. and its associated Bases in accordance with Generic Letter 89-14. This removes the 3.25 limit in Trojan Technical Specification 4.0.2.

Date of issuance: January 31, 1992

Effective date: January 31, 1992

Amendment No.: 174

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 11, 1991 (56 FR 64660) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: May 7, 1990

Brief description of amendment: This amendment revises Trojan Technical Specification 3.5.1, "Emergency Core Cooling Systems - Accumulators," to delete Surveillance Requirement 4.5.1.d, which required an 18 month surveillance interval for verifying the automatic opening for each accumulator isolation valve.

Date of issuance: January 31, 1992

Effective date: January 31, 1992

Amendment No.: 175

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 26, 1991 (56 FR 66923) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: October 17, 1991

Brief description of amendment: The amendment revises Trojan Technical Technical Specification 3/4.7.1, "Turbine Cycle - Safety Valves," and associated Bases. This amendment clarifies the actions required with inoperable safety valves, clarifies the surveillance testing requirements, and removes provisions for three loop operation.

Date of issuance: January 31, 1992

Effective date: January 31, 1992

Amendment No.: 176

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 26, 1991 (56 FR 66926) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: March 21, 1990 and May 7, 1990

Brief description of amendment: The amendment regarding LCA 195 modifies the TS definition Definition 1.25, "PHYSICS TESTS", and Section 5.0, "Design Features," to clarify references to the Final Safety Analysis Report. The amendment regarding LCA 197 modifies TS 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 a greater than 223 steps.

Date of issuance: January 31, 1992

Effective date: January 31, 1992

Amendment No.: 177

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Dates of initial notices in Federal Register: December 26, 1991 (56 FR 66922) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: December 15, 1991, as supplemented January 6, 1992, January 10, 1992, January 16, 1992, and January 30, 1992

Brief description of amendment: The amendment revised Trojan Technical Specification (TTS) 3.4.6.2.c, "Operational Leakages" and Bases 3/4.4.5, "Steam Generator," and 3/4.4.6.2, "Operational Leakages," to reduce the total allowable primary-to-secondary leakage for any one steam generator from 500 gallons per day to 130 gallons per day, and to reduce the total allowable primary-to-secondary leakage through all steam generators from one gallon per minute to 400 gallons per day. Additionally, the TTS Surveilllance Requirement 4.4.5.4.a.6, "Repair Limit," and associated Bases were modified to reflect the current tube plugging criteria used during the Cycle 13 refueling outage, which is based upon a methodology that more reliably assesses structural integrity. This change is only applicable for Cycle 14 operation.

Date of issuance: February 5, 1992

Effective date: February 5, 1992

Amendment No.: 178

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1991 (56 FR 67638) Supplemental responses were at the request of the NRC and did not affect the proposed determination of no significant hazards consideration. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

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 March 20, 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).

Indiana Michigan Power Company, Docket No. 50-315 Donald C. Cook Nuclear Plant, Unit No. 1, Berrien County, Michigan

Date of application for amendment: January 22, 1992

Brief description of amendments: This amendment modifies Technical Specification (TS) 3.3.3.8 to allow the pressurizer safety valve position indicator acoustic monitor QR-107A (Instrument 14 in Table 3.3-11) to be exempt from the Table 3.3-11 requirements until the end of the current fuel cycle which is anticipated to end in June 1992. Currently, the TS allows the monitor to be inoperable for 30 days. The monitor was declared inoperable on January 6, 1992. This amendment is being treated as an emergency TS change in accordance with 10 CFR 50.91(a)(5).

Date of issuance: February 3, 1992

Effective date: February 3, 1992

Amendment No.: 141

Facility Operating License No. DPR-58. Amendments revised the Technical Specifications.

Public comments requested as to proposed 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 are contained in a Safety Evaluation dated February 3, 1992.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

NRC Project Director: L. B. Marsh

Dated at Rockville, Maryland, this 11th day of February 1992.

For the Nuclear Regulatory Commission

Jose A. Calvo,

Acting Director, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation

[Doc. 92-3729 Filed 2-18-92; 8:45 am]

BILLING CODE 7590-01-D

[Docket No. 50-416]

Entergy Operations, Inc., Grand Gulf Nuclear Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of appendix J to 10 CFR part 50 in response to a request by Energy Operations, Inc., for the Grand Gulf Nuclear Station Unit 1, located in Clairborne County, Mississippi.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from a requirement of section III.D.1(a) of appendix J to 10 CFR part 50 that the third test in each set of three tests intended to measure the primary reactor containment overall integrated leakage rate (Type A tests) shall be conducted when the plant is shutdown for the 10-year plant inservice inspections (ISIs).

The proposed action is in accordance with the licensee's request for exemption dated June 25, 1991.

The Need for the Proposed Action

The proposed exemption is needed because the present requirement would force the licensee, at a significant cost but without any significant increase in public health and safety, to perform an additional integrated leak rate test (ILRT) during the forthcoming outage, currently scheduled to start in April 1992.

Environmental Impacts of the Proposed Action

The proposed exemption would not affect the integrity of the plant's primary containment with respect to potential radiological releases to the environment in the event of a severe transient or an accident up to and including the design basis accident (DBA). Under the assumed conditions of the DBA, the licensee must demonstrate that the calculated offsite radiological doses at the plant's exclusion boundary and low population zone outer boundary meet the guidelines in 10 CFR part 100. Part of the licensee's demonstration is accomplished by the periodic ILRTs conducted about every 40 months to verify that the primary containment leakage rate is equal to or less than the design basis leakage rate used in its calculations demonstrating compliance with the guidelines in 10 CFR part 100.

The licensee has successfully conducted a number of these ILRTs to date. The most recent ILRT was completed in April 1989, during the third refueling outage, and was the second of the required Type A tests. The next ILRT will most probably by conducted in October 1993. The 10-year ISI is scheduled to start during the Refueling Outage 7, presently scheduled to start in April 1995. As required by 10 CFR 50.55a, this schedule for the 10-year ISI is in compliance with the provisions of section XI of the ASME Boiler and Pressure Vessel Code and Addenda.

The proposed exemption request to decouple the schedule of the third Type A test (i.e., an ILRT) from that of the 10-year ISI will not in any way compromise the leak-tight integrity of the primary containment required by appendix J to 10 CFR part 50 since the leak-tightness of the containment will continue to be demonstrated by the periodic ILRTs. Additionally, the proposed exemption will not affect the existing requirement in section III.D.1.(a) of appendix J that three ILRTs be performed during each 10-year service period. Further, the proposed uncoupling does not affect the structural integrity of the structures, systems, and components subject to the requirements of 10 CFR 50.55a. Accordingly, there will be no increase in either the probability or the amount of radiological release from the Grand Gulf plant in the event of a severe transient or accident. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves a change to surveillance and testing requirements. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental impacts associated with the proposed action, any alternatives have either no or greater environmental impact.

The principal alternative would be to deny the requested exemption. Denial would not reduce the environmental impacts attributed to the facility but would result in the expenditure of resources and increase radiation exposures without any compensating benefit.

Alternative use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Grand Gulf Nuclear Station, Unit 1, dated September 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult any other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based on the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated June 25, 1991, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland, this 11th day of February, 1992.

For the Nuclear Regulatory Commission.

John T. Larkins,

Director, Project Directorate IV–I, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92–3839 Filed 2–18–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Thermal Hydraulic Phenomena

Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on March 3, 1992, in room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will open to public attendance, with the exception of a portion that may be closed to discuss information deemed proprietary to the Westinghouse Electric Corporation pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Tuesday, March 3, 1992—8:30 a.m. until the conclusion of business.

The Subcommittee will continue its review of the integral system testing requirements for the Westinghouse Electric Corporation's AP600 passive plant design.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the Westinghouse Electric Corporation, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Paul Boehnert (telephone 301/492–8558) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 11, 1992.

Sam Duraiswamy

Chief, Nuclear Reactors Branch.

[FR Doc. 92–3856 Filed 2–18–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–423A]

Northeast Nuclear Energy Co., et al.; Millstone Nuclear Power Station, Unit 3; Proposed Ownership Transfer; No Significant Antitrust Changes and Time for Filing Requests for Reevaluation

The Director of the Office of Nuclear Reactor Regulation has made a finding in accordance with section 105c(2) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2135, that no significant (antitrust) changes in the licensees' activities or proposed activities have occurred as a result of the proposed change in ownership of Unit 3 of the Millstone Nuclear Power Station (Millstone 3) detailed in the licensee's amendment application dated January 23, 1991. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides that an application for a license to operate a utilization facility for which a construction permit was issued under section 103 shall not undergo an antitrust review unless the Commission determines that such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous antitrust review by the Attorney General of the Commission in connection with the construction permit for the facility. The Commission has delegated the authority to make the "significant change" determination to the Director, Office of Nuclear Reactor Regulation.

By application dated January 23, 1991, the Northeast Nuclear Energy Company (NNECO or licensee), pursuant to 10 CFR 50.80, requested the transfer of the 2.8475 percent ownership interest of Public Service Company of New Hampshire (PSNH) in the Millstone Nuclear Power Station, Unit 3 (Millstone 3) to a newly formed wholly owned subsidiary of Northeast Utilities (NU). This newly formed subsidiary will also be called Public Service Company of New Hampshire (hereinafter, reorganized PSNH). Millstone 3 underwent antitrust review at the construction permit stage in 1973 and again in 1977 with the addition of new owners in the facility. The operating license antitrust review of Millstone 3 was completed in 1985. The staffs of the Policy Development and Technical Support Branch, Office of Nuclear Reactor Regulation and the Office of the General Counsel, hereinafter referred to as the "staff", have jointly concluded, after consultation with the Department of Justice, that the proposed change in ownership is not a significant change under the criteria discussed by the Commission in its Summer decisions (CLI–80–28 and CLI–81–14).

On May 13, 1991, the staff published in the Federal Register (56 FR 22024) receipt of the licensee's request to transfer its 2.8475 percent ownership interest in Millstone 3 to reorganized PSNH. This amendment request is directly related to the proposed merger between Northeast Utilities and the Public Service Company of New Hampshire. The notice indicated the reason for the transfer, stated that there were no anticipated significant safety hazards as a result of the proposed transfer and provided an opportunity for public comment on any antitrust issues related to the proposed transfer. No comments were received.

The staff reviewed the proposed transfer of PSNH's ownership in the Millstone 3 facility to a wholly owned subsidiary of NU for significant changes since the last antitrust review of Millstone 3, using the criteria discussed by the Commission in its Summer decisions (CLI–80–28 and CLI–81–14). The staff believes that the record developed to date in the proceeding at the Federal Energy Regulatory Commission (FERC) involving the proposed NU/PSNH merger adequately portrays the competitive situation(s) in the markets served by the Millstone 3 generating facility and that any anticompetitive aspects of the proposed changes have been adequately addressed in the FERC proceeding. Moreover, merger conditions designed to mitigate possible anticompetitive effects of the proposed merger have been developed in the FERC proceeding. The staff further believes that the FERC proceeding addressed the issue of adequately protecting the interests of competing power systems and the competitive process in the area served by the Millstone 3 facility such that the changes will not have implications that warrant a Commission remedy. In reaching this conclusion, the staff considered the structure of the electric utility industry in New England and adjacent areas and the events relevant to the Millstone 3 and Seabrook Nuclear Generating Station construction permit and operating license reviews. For these reasons, and after consultation with the Department of Justice, the staff recommends that a no affirmative "significant change" determination be made regarding the proposed change in ownership detailed in the licensee's amendment application dated January 23, 1991.

Based upon the staff analysis, it is my finding that there have been no "significant changes" in the licensees' activities or proposed activities since the completion of the previous antitrust review.

Signed on February 9, 1992 by Thomas E. Murley, Director, of the Office of Nuclear Reactor Regulation.

Any person whose interest may be affected by this finding may file, with full particulars, a request for reevaluation with the Director of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 days of the initial publication of this notice in the **Federal Register.**

Requests for reevaluation of the no significant change determination shall be accepted after the date when the Director's finding becomes final, but before the issuance of the operating license amendment, only if they contain new information, such as information about facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

Dated at Rockville, Maryland, this 11th day of February 1992.

For the Nuclear Regulatory Commission.

Anthony T. Gody,

Chief Policy Development and Technical Support Branch, Program Management, Policy Development and Analysis Staff, Office of Nuclear Reactor Regulation.

[FR Doc. 92–3837 Filed 2–18–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–443A]

Public Service Co. of New Hampshire, et al.; Seabrook Nuclear Station, Unit 1; Proposed Ownership Transfer; No Significant Antitrust Changes and Time for Filing Requests for Reevaluation

The Director of the Office of Nuclear Reactor Regulation has made a finding in accordance with section 105c(2) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2135, that no significant (antitrust) changes in the licensees' activities or proposed activities have occurred as a result of the proposed change in ownership of Unit 1 of the Seabrook Nuclear Station (Seabrook) detailed in the licensee's amendment application dated November 13, 1991. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides that an

application for a license to operate a utilization facility for which a construction permit was issued under section 103 shall not undergo an antitrust review unless the Commission determines that such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous antitrust review by the Attorney General and the Commission in connection with the construction permit for the facility. The Commission has delegated the authority to make the "significant change" determination to the Director, Office of Nuclear Reactor Regulation.

By application dated November 13, 1991, the Public Service Company of New Hampshire (PSNH or licensee), through its New Hampshire Yankee division, pursuant to 10 CFR 50.90, requested the transfer of its 35.56942% ownership interest in the Seabrook Nuclear Power Station, Unit 1 (Seabrook) to a newly formed, wholly owned subsidiary of Northeast Utilities (NU). This newly formed subsidiary will be called the North Atlantic Energy Corporation (NAEC). The Seabrook construction permit antitrust review was completed in 1973 and the operating license antitrust review of Seabrook was completed in 1986. The staffs of the Policy Development and Technical Support Branch, Office of Nuclear Reactor Regulation and the Office of the General Counsel, hereinafter referred to as the "staff", have jointly concluded, after consultation with the Department of Justice, that the proposed change in ownership is not a significant change under the criteria discussed by the Commission in its *Summer* decisions (CLI–80–28 and CLI–81–14).

On February 28, 1991, the staff published in the **Federal Register** (56 FR 8373) receipt of the licensee's request to transfer its 35.56942% ownership interest in Seabrook to NAEC. This amendment request is directly related to the proposed merger between NU and PSNH. The notice indicated the reason for the transfer, stated that there were no anticipated significant safety hazards as a result of the proposed transfer and provided an opportunity for public comment on any antitrust issues related to the proposed transfer. The staff received comments from several interested parties—all of which have been considered and factored into this significant change finding.

The staff reviewed the proposed transfer of PSNH's ownership in the Seabrook facility to a wholly owned subsidiary of NU for significant changes since the last antitrust review of Seabrook, using the criteria discussed by the Commission in its *Summer* decisions (CLI–80–28 and CLI–81–14). The staff believes that the record developed to date in the proceeding at the Federal Energy Regulatory Commission (FERC) involving the proposed NU/PSNH merger adequately portrays the competitive situation(s) in the markets served by the Seabrook facility and that any anticompetitive aspects of the proposed changes have been adequately addressed in the FERC proceeding. Moreover, merger conditions designed to mitigate possible anticompetitive efforts of the proposed merger have been developed in the FERC proceeding. The staff further believes that the FERC proceeding addressed the issue of adequately protecting the interests of competing power systems and the competitive process in the area served by the Seabrook facility such that the changes will not have implications that warrant a Commission remedy. In reaching this conclusion, the staff considered the structure of the electric utility industry in New England and adjacent areas and the events relevant to the Seabrook Nuclear Power Station and Millstone Nuclear Power Station, Unit 3 construction permit and operating license reviews. For these reasons, and after consultation with the Department of Justice, the staff recommends that a no affirmative "signifcant change" determination be made regarding the proposed change in ownership detailed in the licensee's amendment application dated November 13, 1991.

Based upon the staff analysis, it is my finding that there have been no "significant changes" in the licensees' activities or proposed activities since the completion of the previous antitrust review.

Signed on February 9, 1992 by Thomas E. Murley, Director of the Office of Nuclear Reactor Regulation.

Any person whose interest may be affected by this finding may file, with full particulars, a request for reevaluation with the Director of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 days of the initial publication of this notice in the **Federal Register**. Requests for reevaluation of the no significant change determination shall be accepted after the date when the Director's finding becomes final, but before the issuance of the operating license amendment, only if they contain new information, such as information about facts or events of antitrust significance that have occurred since that date, or information that could not reasonably have been submitted prior to that date.

Dated at Rockville, Maryland, this 11th day of February 1992.

For the Nuclear Regulatory Commission.

Anthony T. Gody,

Chief, Policy Development and Technical Support Branch, Program Management, Policy Development, and Analysis Staff, Office of Nuclear Reactor Regulation.

[FR Doc. 92–3838 Filed 2–18–92; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations: Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

February 12, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Federated Department Stores, Inc.
Common Stock, $.01 Par Value (File No. 7–7939)

Autozone, Inc.
Common Stock, $.01 Par Value (File No. 7–7940)

Comerica, Inc.
Common Stock, $5.00 Par Value (File No. 7–7941)

Diagnostek, Inc.
Common Stock, $.01 Par Value (File No. 7–7942)

Enquirer/Star Group, Inc.
Class A Common Stock, $.01 Par Value (File No. 7–7943)

Kent Electronics Corp.
Common Stock, No Par Value (File No. 7–7944)

Latin America Equity Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–7945)

MagneTek, Inc.
Common Stock, $.01 Par Value (File No. 7–7946)

PHH Corporation
Common Stock, No Par Value (File No. 7–7947)

Smart & Final, Inc.
Common Stock, $.01 Par Value (File No. 7–7948)

Vencor Incorporated
Common Stock, $.25 Par Value (File No. 7–7949)

Vitro Sociedad Anonima
American Depository Receipts (File No. 7–7950)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 5, 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 Regulations, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-3773 Filed 2-18-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

February 12, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Salomon, Inc.
Put Warrants on the Nikkei Stock Average Expiring 2/16/93; Call Warrants on the Nikkei Stock Average Expiring 4/6/93; Put Warrants on the Nikkei Stock Average Expiring 1/19/93 (File No. 7-7951)

Paine Webber Group, Inc.
Put Warrants on the Nikkei Stock Average Expiring 4/8/93-07; Call Warrants on the Nikkei Stock Average Expiring 4/8/93 (File No. 7-7952)

Bankers Trust of New York Corporation
Put Warrants on the Nikkei Stock Average Expiring 1/16/93 (File No. 7-7953)

A/S Eksportfinans
Put Warrants on the Nikkei Stock Average Expiring 4/22/92 (File No. 7-7954)

Kingdom of Denmark
Put Warrants on the Nikkei Stock Average Expiring 1/3/93 (File No. 7-7955)

Chyenne Software, Inc.
Common Stock, $0.01 Par Value (File No. 7-7956)

Electrocom Automation, Inc.
Common Stock, $0.01 Par Value (File No. 7-7957)

Hemlo Gold Mines, Inc.
Common Stock, $.001 Par Value (File No. 7-7958)

GTI Corporation
Common Stock, $0.04 Par Value (File No. 7-7959)

KV Pharmaceutical Company
Class A Common Stock, $0.01 Par Value (File No. 7-7960)

FAB Industries
Common Stock, $0.20 Par Value (File No. 7-7961)

Federated Department Stores, Inc.
Common Stock, $.01 Par Value (File No. 7-7962)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 5, 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.

Johathan G. Katz,

Secretary.

[FR Doc. 92-3774 Filed 2-18-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18548; File No. 812-7837]

Bankers National Series Trust et al.; Application for an Order

February 11, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Bankers National Series Trust ("Trust"), Bankers National Life Insurance Company ("Company"), Bankers National Variable Account B ("Account B") and Bankers National Variable Account C ("Account C", collectively with Account B, "Variable Account").

RELEVANT 1940 ACT SECTIONS: Order requested under section 17(b) for exemptions from section 17(a).

SUMMARY OF APPLICATION: Applicants seek an order exempting the merger of certain investment portfolios of the Trust and the consolidation of the corresponding sub-accounts of the Variable Accounts that invest in those portfolios from the prohibitions of section 17(a) of the Act.

FILING DATE: The application was filed on December 20, 1991 and amended on February 5, 1992.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on March 6, 1992. Request a hearing in writing, giving the nature of your interest, the reason for your request, and the issues you contest. Serve Applicants with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Bankers National Series Trust, 11815 N. Pennsylvania Street, Carmel, Indiana 46032.

FOR FURTHER INFORMATION CONTACT: Thomas E. Bisset, Attorney, at (202) 272-2058, or Heidi Stam, Assistant Chief, at (202) 272-2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. The Trust was organized on November 15, 1982 as a Massachusetts business trust. The Trust is registered under the Act as an open-end, diversified management investment company. The Trust is a series investment company, comprised of seven investment portfolios: Money Market Portfolio, Common Stock Portfolio, Mortgage-Backed Securities Portfolio, High Yield Portfolio, Multiple Strategies Portfolio, Convertible Portfolio and Government Securities Portfolio.

2. To date, the Trust has sold shares only to the Variable Accounts. The Trust sells shares of each portfolio to a corresponding sub-account of the Variable Accounts to support assets for flexible premium variable life insurance policies and variable annuity contracts (collectively, the "Contracts") issued by the Company through the Variable Accounts.

3. The investment adviser to the Trust and each Portfolio is Conseco Capital Management, Inc. ("Adviser").

4. The investment objective of the Government Securities Portfolio is to seek safety of capital, liquidity and current income by investing in U.S. government securities. The investment objective of the Mortgage-Backed Securities Portfolio is to seek the highest possible level of current income, consistent with safety of capital and maintenance of liquidity, by investing in various mortgage related securities. The investment objective of the Multiple Strategies Portfolio is to seek a high

total return by investing in equity securities of domestic and foreign issuers, intermediate and long-term debt, money market instruments and securities of companies engage in mining, processing or dealing in precious metals. The Convertible Portfolio seeks both current income and capital appreciation as its primary investment objective, and conservation of capital as its secondary objective, by investing primarily in convertible bonds and convertible preferred stocks. The High Yield Portfolio seeks high current income as its primary investment objective by investing primarily in high-yielding, high risk, lower-rate fixed income securities; capital growth is secondary objective of the High Yield Portfolio when consistent with the objective of high current income.

5. The Company is a reserve stock life insurance company incorporated under the laws of the state of Texas. The Company offers a variety of life insurance and annuity products. Through the Variable Accounts, the Company owns 100% of the outstanding shares of the Trust and each Portfolio.

6. The Variable Accounts are each separate accounts registered as unit investment trusts under the Act. Account B offers variable annuity contracts issued by the Company and Account C offers flexible premium variable life insurance policies issued by the Company. The Variable Accounts each consist of seven sub-accounts, each of which invests in the shares of a particular Portfolio of the Trust.

7. The Board of Trustees of the Trust, including a majority of those trustees who are not "interested persons" of the Trust, adopted resolutions for two Plans and Reorganization (collectively, the "Plans"). Pursuant to one Plan, the Multiple Strategies Portfolio will acquire all of the assets and liabilities of the High Yield Portfolio and the Convertible Portfolio in exchange for shares of the Multiple Strategies Portfolio on the basis of the relative net asset value of those Portfolios on the closing date. Pursuant to the second Plan, the Government Securities Portfolio will acquire all the assets and liabilities of the Mortgage-Backed Securities Portfolio in exhange for shares of the Government Securities Portfolio on the basis of the relative net asset values of those Portfolios on the closing date. The Trust will register the shares of Multiple Strategies Portfolio to be issued to shareholders of the High Yield and Convertible Portfolios and the shares of the Government Securities Portfolio to be issued to shareholders of the Mortgage-Backed Securities Portfolio under the Securities Act of 1933 on Form N–14 (File No. 33–44573).

8. Applicants represent that, during the Notice Period, they will amend the application to include the following representations:

(a) Prior to the proposed reorganization, the high yield, high risk instruments held by the High Yield Portfolio will be sold and the proceeds used to purchase investment grade corporate debt securities, treasuries, other short-term investment grade investments, or will be maintained as cash or cash items;

(b) The term "investment grade" securities is intended to mean securities rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization; and

(c) The Adviser will pay all the direct and indirect costs associated with liquidating high yield, high risk securities held by the High Yield Portfolio.

9. The proposed reorganizations also entail the consolidation of the corresponding sub-accounts of the Variable Accounts. The Company will carry out this consolidation immediately after the completion of the acquisition of the acquiree Portfolios, by issuing units of interest in the sub-accounts corresponding to the acquiror Portfolios on a pro rata basis to owners of contracts who, prior to the reorganizations, owned units in the sub-accounts corresponding to the acquiree Portfolios. This exchange could be considered to involve the issue of new units of the Multiple Stategies and Government Securities sub-accounts in exchange for the assets of the High Yield, Convertible or Mortgage-Backed sub-accounts. The number of full and fractional units of interest of the Multiple Strategies sub-account to be issued will be determined by dividing the aggregate value of the Multiple Strategies shares issued to the Convertible and High Yield sub-accounts, by the unit value of the Multiple Strategies sub-account computed as of 4 p.m. New York time on the closing date using the valuation. methods set fourth in the Variable Accounts' current prospectuses. The same procedures would be followed upon completion of the Government Securities Portfolio's acquisition of the Mortgage-Backed Securities Portfolio. The aggregate value of new units issued to each contact owner who had cash value invested in the High Yield, Convertible or Mortgage-Backed sub-accounts will equal exactly the aggregate value of units owned by each such owner immediately prior to the proposed reorganizations.

10. The Trust will submit the proposed Plans to the shareholders of the High Yield and Convertible Portfolios and the Mortgage-Backed Securities Portfolio for their approval at a meeting called for that purpose on February 24, 1992 (or such later date as may be determined by the Trustees). A majority of the outstanding shares of each of the High Yield and Convertible Portfolios must approve the acquisition of those Portfolios by the Multiple Strategies Portfolio and a majority of the outstanding shares of the Mortgage-Backed Securities Portfolio must approve the acquisition of that Portfolio by the Government Securities Portfolio. Although the Company and the Variable Accounts are the only shareholders of each of the Trust's Portfolios, contract owners are entitled to instruct the Company how to vote shares held in the Variable Accounts. The Company will vote shares based on the instructions received in proxies returned; all shares for which no instructions have been received will be voted in the same proportion as those for which proxies were returned. The Adviser will pay all the direct and indirect costs incurred in connection with the proposed transactions, including all costs associated with the proxy materials.

11. From the date the Trust's Form N–14 Prospectus/Proxy Statement is declared effective until any business day prior to March 10, 1992, contract owners indirectly invested in the Convertible Portfolio, High Yeild Portfolio, Multiple Strategies Portfolio, Mortgage-Backed Securities Portfolio or Government Securities Portfolio may transfer out of those Portfolios and into either the Money Market or Common Stock Portfolios. Transfer charges will be waived for transfers during this period.

12. Apart from the fact that the future cash value of Contracts that had been indirectly invested in an acquiree Portfolio will reflect the investment performance of an acquiror Portfolio, the proposed reorganizations will have no economic impact on such Contract values, fees or charges under these Contracts or the rights or interests of contract owners. The proposed reorganizations will have no economic impact on contract owners having cash values in the sub-accounts currently holding shares of either the Multiple Strategies Portfolio or the Government Securities Portfolio other than the effect on such Portfolios' investment performance and expenses resulting from an increase in the size of assets. The Trust will receive an opiton of tax counsel to the effect that each reorganization will not result in the recognition of any gain or loss to the Trust, the acquiree and acquiror

Portfolios and contract owners having cash values invested in an acquiree or acquiror Portfolio.

Applicants' Legal Analysis

1. Applicants request that the SEC issue an order pursuant to section 17(b) of the Act exempting the proposed reorganizations from section 17(a) of the Act, to the extent necessary, to permit the acquiror Portfolios to acquire substantially all of the assets of the acquiree Portfolios in exchange for shares of the acquiror Portfolios. The Company and the Variable Accounts request that the SEC issue an order pursuant to section 17(b) of the Act exempting the proposed reorganizations from the provisions of section 17(a) of the Act, to the extent necessary to permit the Company to consolidate the corresponding sub-accounts of the Variable Accounts.[1]

2. Because the Company owns more than 5% of the outstanding voting securities of each acquiree and each acquiror Portfolio, if each of those Portfolios is treated as a separate entity, then each is an affiliated person of an affiliated person of the other. Additionally, because the Company organized the Trust to fund contracts issued by the Company, the Trust and each Portfolio is under the common control of the Company; therefore, the Portfolios are affiliated persons of one another. Moreover, the Company is an affiliated person of the Variable Accounts because it controls the Variable Accounts. If each sub-account of the Variable Accounts is treated as a separate entity, then each is an affiliated person of an affiliated person of the other.

3. The transfer of assets from the acquiree Portfolios to the acquiror Portfolios and the consolidation of the corresponding sub-accounts arguably entails the purchase or sale of securities or other property to these entities in contravention of section 17(a).

4. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a), mergers, consolidations, or purchases or sales of substantially all of the assets involving registered investment companies which may be affilitated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors and/or common officers. The exemption provided by the rule is conditioned upon a determination by a majority of the directors of each such investment company, including a majority of the directors of each company who are not interested persons of the participating registered investment companies, that (a) participation in the transaction is in the best interests of that registered investment company, and (b) the interests of existing shareholders of that registered investment company will not be diluted as a result of the transaction. The Trust may not be able to rely on rule 17a–8 because the acquiree and acquiror Portfolios may be affiliated persons of each other by virtue of being under the common control of a single shareholder, the Company. Additionally, because the Company owns 100% of the shares of each Portfolio, it is a "5% affiliate" of each Portfolio and each Portfolio is an affiliate of an affiliate; this type of affiliation is also not covered by rule 17a–8. The Company and the Variable Accounts may not rely on rule 17a–8 because the Variable Accounts and its sub-accounts do not have a board of directors to make the determination required by rule 17a–8.

5. Applicants represent that the terms of the proposed reorganizations, as set forth in each Plan, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicants also represent that the proposed reorganizations are consistent with the policies of the acquiree and acquiror Portfolios as recited in the Trust's current registration statement and reports filed under the Act and with the general purposes of the Act.

6. The Board of Trustees of the Trust, including a majority of the disinterested trustees, has reviewed and approved the terms of the proposed reorganization as set forth in each Plan, including the consideration to be paid or received by all parties. They have also independently determined that the proposed reorganizations will be in the best interests of the shareholders of each affected Portfolio and of the contract owners indirectly invested in such Portfolios and that the consummation of the proposed reorganization will not result in the dilution of the current interests of any such shareholder or contract owner.

7. The proposed reorganizations will result in an increase in the asset size of the Multiple Strategies and Government Securities Portfolios. Applicants expect that, to the extent that certain expenses remain relatively fixed and do not vary with asset size, this increase in size will result in economics of scale to the benefit of each affected Portfolio. These economies of scale are expected to result in lower expenses and will enable the Adviser to maintain its present expense cap limitation. Thus, contract owners of the affected Portfolios may expect that there will be no increase in expenses if the reorganizations are approved. In addition, shareholders of the Convertible and High Yield Portfolios are expected to benefit from the Multiple Strategies Portfolio's broader and more diversified investment policy. The nature of the investment portfolios of the High Yield and Convertible Portfolios makes them more likely to experience a substantial decrease in net asset value than the Multiple Strategies Portfolio. Although the High Yield and Convertible Portfolio have had a somewhat higher yield than the Multiple Strategies Portfolio over the last 12 months, Applicants do not believe those Portfolios would continue to out-perform the Multiple Strategies Portfolio over an extended period of time.

8. Applicants also believe that shareholders of the Mortgage-Backed Securities Portfolio will benefit from the combination of that Portfolio with the Government Securities Portfolio. Both have similar investment objectives and policies and have had very similar investment performance. Applicants believe both Portfolios would benefit if their assets are combined.

9. Applicants do not believe that contract owners will be disadvantaged by virtue of having fewer Portfolios to which they may allocate their investments. The resulting Multiple Strategies Portfolio will have greater investment flexibility than either the Convertible Portfolio or the High Yield Portfolio, but will entail less market risk than either of those portfolios because it will be substantially more diversified. The resulting Government Securities Portfolio will have an expanded investment policy that will enable it to invest in all securities presently available to the Mortgage-Backed Securities Portfolio. Applicants believe that each reorganization will result in contract owners having "better" investment choices albeit fewer than would otherwise be the case.

10. Applicants believe the proposed reorganizations more closely resemble the situations covered by rule 17a–8 than it does other situations involving

[1] The Commission staff has on several occasions taken "no-action" positions with regard to a life insurance company depositor of a unit investment trust separate account proceeding with a transaction substantially identical to the proposed reorganization with a section 26(b) order. *See, e.g.*, The Prudential Insurance Company of America (pub. avail. July 18, 1986); Connecticut General Life Insurance Company (pub. avail. Oct. 3, 1985). Applicants are relying on these letters and are not requesting the SEC to approve or disapprove their decision to proceed without an order pusuant to section 26(b).

common control or 5% shareholders which the Rule deliberately excludes because the Company, the "controlling" shareholder, does not have any voting control of any shares. The Company must vote all shares based on instructions it receives from contract owners. As a practical matter, the Company controls no voting securities of the Trust and therefore the proposed reorganizations are no more susceptible to overreaching than is any transaction covered by rule 17a–8.

11. Applicants submit that the share exchange phase of the proposed transaction will comply with all of the conditions that rule 17a–8 requires for the protection of investment companies and their shareholders and agrees to the grant of the order requested herein being specifically conditioned on the Trust's Board of Trustees having made the requisite determinations that the participation of the acquiree and acquiror Portfolios in the proposed reorganizations is in the best interests of each Portfolio and that such participation will not dilute the interests of shareholders or contract owners invested in those Portfolios. The Adviser will pay all of the direct and indirect expenses of the proposed reorganizations.

12. Applicants also submit that the proposed oreorganizations are consistent with the general purposes of the Act. The proposed reorganizations do not present any of the conditions or abuses that the Act was designed to mitigate or eliminate. In particular, section 1(b)(6) of the Act states that the national public interest and the interest of investors are adversely affected when investment companies are reorganized without the consent of their security holders. As described above, each Plan must receive the approval of a majority of the outstanding shares of each acquiree Portfolio (those shares being voted in proportion to the instructions received from contract owners having cash values indirectly invested therein). Contract owners will receive a notice of the special meeting of the Trust's shareholders and a proxy statement containing all material disclosures, including a description of all material aspects of each Plan and a copy thereof. The share exchange phase of the proposed reorganizations are therefore consistent with the general purposes of the Act.

13. Applicants represent that the terms of the proposed reorganizations (encompassing as they do, the consolidation of sub-accounts), including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicants also represent that the proposed reorganizations will be consistent with the policies of the Variable Accounts as recited in the Variable Accounts' current registration statements and reports filed under the Act and with the general purposes of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–3772 Filed 2–18–92; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Shortage of Operating Funds for a Disaster in New York

As a result of the Secretary of Agriculture's disaster designation S–557 for counties in the State of New York and contiguous counties in the States of Connecticut, Massachusetts, Pennsylvania, and Vermont, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 3, 1992.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 92–3795 Filed 2–18–92; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 1571]

Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will hold an open meeting March 12, 1992 at NASA, 400 Maryland Avenue, SW., Washington, DC in room 5026 (5th Floor) commencing at 10 a.m.

Study Group 7 deals with matters relating to the space research systems and standard frequency and time systems. The purpose of the meeting is to review 1992 work plans for each of the Working Parties in Study Group 7 and to finalize plans for the Study Group 7 meeting, 7–9 April 1992 in Geneva.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Request for further information should be directed to Mr. Rodger Andrews, ARC Professional Services Group, Herndon, Virginia 22070, phone (703) 834–5600.

Dated: January 28, 1992.

Warren G. Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 92–3780 Filed 2–18–92; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 1573]

United States Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 11, 1992 at 9:30 a.m. in room 1912, and on May 28, 1992, room 1105, 9:30 a.m. at the Department of State, 2201 C Street NW., Washington, DC 20520.

The agenda for the meeting includes (1) preparatory activities for the upcoming Xth CCITT Plenary Assembly (Standardization Conference) scheduled for Espoo, Helsinki, Finland, March 1–12, 1993, (2) discussions of all CCITT Study Groups, and (3) during the meeting, the convening of the five working committees established at the February 4, 1992 U.S.N.C. meeting.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Persons who plan to attend should so advise the Office of Earl Barbely, Department of State, (202) 647–0201, FAX (202) 647–7407. The above includes government and non-government attendees. Public visitors will be asked to provide their date of birth and Social Security number at the time they register their intention to attend and must carry a valid photo ID

with them to the meeting in order to be admitted. 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: February 7, 1992.

Earl Barbely,

Director, Telecommunications and Information Standards, Chairman, U.S. CCITT National Committee.

[FR Doc. 92-3848 Filed 2-18-92; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended February 7, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47975.
Date filed: February 3, 1992.
Parties: Members of the International Air Transport Association.
Subject:
TC3 Reso/P 0445 dated December 3, 1991 Within South Asian Subcontinent—R-1 To R-7.
TC3 Reso/P 0446 dated December 3, 1991 Within South East Asia—R-8 To R-16.
TC3 Reso/P 0447 dated December 3, 1991 Within South West Pacific—R-17 To R-23.
TC3 Reso/P 0448 dated December 3, 1991 Within South Asian Subcontinent—R-24 To R-32.
TC3 Reso/P 0449 dated December 3, 1991 South Asian Subcontinent—R-33 To R-42.
TC3 Reso/P 0450 dated December 3, 1991 Southeast Asia-Southwest Pacific—R-43 To R-47.
TC3 Reso/P 0451 dated December 3, 1991 Japan-Korea—R-48 To R-58.
TC3 Reso/P 0452 dated December 3, 1991 Japan/Korea-Southeast Asia—R-59 To R-69.
TC3 Reso/P 0453 dated December 3, 1991 Japan/Korea-Southeast Asia—R-70 To R-91.
TC3 Reso/P 0454 dated December 3, 1991 Japan/Korea-South West Pacific—R-92 To R-102.
TC3 Reso/P 0455 dated December 3, 1991 Japan/Korea-Australia—R-103 To R-120.
TC3 Reso/P 0456 dated December 2, 1991 Japan/Korea-New Zealand—R-121 To R-136.
Proposed Effective Date: April 1, 1992.
Docket Number: 47976.
Date filed: February 3, 1992.
Parties: Members of the International Air Transport Association.
Subject: TC3 Reso/P 0444 dated December 3, 1991 Areawide Resolutions—R-1 To R-5.
Proposed Effective Date: April 1, 1992.
Docket Number: 47977.
Date filed: February 3, 1992.
Parties: Members of the International Air Transport Association.
Subject: Telex dated January 27, 1992 Mail Vote 535 (Europe-Middle East resolutions)—R-1—001Q; R-2—010w.
Proposed Effective Date: March 25/April 1, 1992.
Docket Number: 47979.
Date filed: February 5, 1992.
Parties: Members of the International Air Transport Association.
Subject: TC23 Reso/P 0484 dated November 22, 1991 Europe-Southwest Pacific Resos—R-1 To R-21.
Proposed Effective Date: April 1, 1992.
Docket Number: 47980.
Date filed: February 6, 1992.
Parties: Members of the International Air Transport Association.
Subject: Telex dated January 28, 1992 Mail Vote 536 (Japan-North America Reso 010X)
Proposed Effective Date: April 1, 1992.
Docket Number: 47981.
Date filed: February 6, 1992.
Parties: Members of the International Air Transport Association.
Subject: TC23 Reso/P 0477 dated November 20, 1992 TC23/TC123 Middle East—TC3 Resos—R-1 To R-28.
Proposed Effective Date: April 1, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-3793 Filed 2-18-92; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 7, 1992

The following applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47446.
Date filed: February 3, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 2, 1992.
Description: Amendment No. 1 to the Application of General Department Of International Air Services (Aeroflot Soviet Airlines) requests Amendment of its Foreign Air Carrier Permit for additional authority to operate between a point or points in the Union of Soviet Socialist Republics via intermediate points on a North Atlantic routing and Chicago.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-3794 Filed 2-18-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Springfield Regional Airport, Springfield, MO; Noise Exposure Map Receipt of Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Springfield, Missouri for the Springfield Regional Airport under the provisions to title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 98-193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for the Springfield Regional Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before July 28, 1992.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is January 30, 1992. The public comment period ends March 30, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Ornes, ACE-615, Federal Aviation Administration, Airports Division, 601 E. 12th St., Kansas City, Missouri 64106. Telephone No. (816) 426-6616. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for the Springfield Regional Airport are in compliance with applicable requirements of part 150, effective January 30, 1992. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before July 28, 1992. This notice also announces the availability of this program for public review and comment.

Under section 103 of title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The City of Springfield, Missouri submitted to the FAA on December 18, 1991, noise exposure maps, descriptions and other documentation which were produced during the FAR part 150 Noise Compatibility Study for the Springfield Regional Airport. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Springfield, Missouri. The specific maps under consideration are identified as the "Existing Noise Exposure Map—1988" and the "Future Noise Exposure Map—1955" in the submission. The FAA has determined that these maps for the Springfield Regional Airport are in compliance with applicable requirements. This determination is effective on January 30, 1992. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Springfield Regional Airport, also effective on January 30, 1992. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before July 28, 1992.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal or reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Airports Division, 601 E. 12th St., Kansas City, Missouri 64106.

Springfield Regional Airport, Route 6, Box 384, Springfield, Missouri 65803.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Kansas City, Missouri, January 30, 1992.

George A. Hendon,

Manager, Airports Division, ACE-600.

[FR Doc. 92-3813 Filed 2-18-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Administration, Radio Technical Commission for Aeronautics (RTCA)

GNSS Task Force Strategy and Initiative, Task Force 1, Working Group 4; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix I), notice is hereby given for the meeting of Task Force 1, Working Group 4 to be held March 3, 1992, in Meeting Room C of the Air Transport Association of America, 1709 New York Avenue, NW., Washington, DC 20006, commencing at 9 a.m.

The agenda for this meeting is as follows: (1) Working Group 1 and 2 activities; implications for Working Group 4; (2) improved definition of short-term (1992-1995), mid-term (1996-2000) and long-term issues; (3) identification of alternative institutional arrangements for acquisition, ownership and operation; (4) Working Group report outline; (5) other business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA

Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

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

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92–3809 Filed 2–18–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 92–21]

Extension of Unimar, Inc., International's Customs Approval To Include Accreditations To Perform Certain Laboratory Analysis

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of the extension of Unimar, Inc., International's Customs approval to include the accreditation of certain laboratory analyses to be performed for Customs purposes.

SUMMARY: Unimar Inc., International of Houston, Texas, a Customs approved gauger under § 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of its Customs approval to include accreditations to perform the following laboratory analyses at its Houston, Texas facility: API Gravity, sediment and water, sediment by extraction.

SUPPLEMENTARY INFORMATION: Part 151 of the Customs Regulations provides for the acceptance at Customs Districts of laboratory analyses and gauging reports for certain products from Customs accredited commercial laboratories and approved gaugers. Unimar, Inc., International, a Customs-approved commercial gauger, has applied to Customs to extend its Customs approval to include the laboratory analyses named above. Review of Unimar, Inc., International's qualifications shows that the extention is warranted and, accordingly, has been granted.

EFFECTIVE DATE: February 3, 1992.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Ave. NW., Washington, DC 20229 (202–566–2446).

Dated: February 12, 1992.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 92–3802 Filed 2–18–92; 8:45 am]

BILLING CODE 4820–02–M

[T.D. 92–14]

Recordation of Trade Name: "ALL–STATE WELDING PRODUCTS"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of recordation.

SUMMARY: On August 20, 1991, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "ALL–STATE WELDING PRODUCTS," was published in the **Federal Register** (56 FR 41388). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than October 21, 1991. No responses were received in opposition to the notice. Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "ALL–STATE WELDING PRODUCTS," is recorded as the trade name used by All-State Welding Products Inc., a corporation organized under the laws of the State of Delaware, located at 5112 Allendale Lane, Taneytown, Maryland 21787.

The trade name is used in connection with welding electrodes, brazing, rods, solders, fluxes, powders, chemical aids and equipment for using the same for maintenance and repair applications. The following companies are authorized to use the above trade name: Hi-Tech Welding (PROROD) Ltd., dba All-State Welding Products Canada, located at 57 Galaxy Blvd., Unit 6, Rexdale, Ontario M9W 5P1 Canada, is authorized only in Canada and McNeil Holdings Pty., Ltd., dba All-State Welding Products Distributors, located at 6143 Dellamarta Road, Wangara, Washington, is authorized to use the trade name only in Australia.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Delois P. Cooper, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington DC 20229 (202 566–6956).

Dated: February 12, 1992.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 92–3798 Filed 2–18–92; 8:45 am]

BILLING CODE 4820–02–M

[T.D. 92–19]

Recordation of Trade Name: "M.T.R. CONDIMENTS"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of recordation.

SUMMARY: On December 2, 1991, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "M.T.R. CONDIMENTS," was published in the **Federal Register** (56 FR 61278). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than January 31, 1992. No responses were received in opposition to the notice. Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "M.T.R. CONDIMENTS," is recorded as the trade name used by MTR Imports, Inc., a corporation organized under the laws of the State of Illinois, located at 18 West 194 Holly Avenue, Westmont, Illinois 60559. The trade name is used in connection with various Indian food product mixes and powders. The merchandise is manufactured in India.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Delois P. Cooper, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington DC 20229 (202 566–6956).

Dated: February 12, 1992.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 92–3801 Filed 2–18–92; 8:45 am]

BILLING CODE 4820–02–M

[T.D. 92–17]

Recordation of Trade Name: "M.T.R. DISTRIBUTORS (P) LTD"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of recordation.

SUMMARY: On December 2, 1991, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "M.T.R. DISTRIBUTORS (P)

LTD," was published in the **Federal Register** (56 FR 61277). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than January 31, 1992. No responses were received in opposition to the notice. Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "M.T.R. DISTRIBUTORS (P) LTD," is recorded as the trade name used by MTR Imports, Inc., a corporation organized under the laws of the State of Illinois, located at 18 West 194 Holly Avenue, Westmont, Illinois 60559. The trade name is used in connection with various Indian food product mixes and powders. The merchandise is manufactured in India.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Delois P. Cooper, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington DC 20229 (202 566–6956).

Dated: February 12, 1992.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 92–3800 Filed 2–18–92; 8:45 am]

BILLING CODE 4820–02–M

[T.D. 92–16]

Recordation of Trade Name: "M.T.R. FOOD PRODUCTS"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Recordation.

SUMMARY: On December 02, 1991, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "M.T.R. FOOD PRODUCTS," was published in the **Federal Register** (56 FR 61277). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received in opposition to the notice. Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "M.T.R. FOOD PRODUCTS," is recorded as the trade name used by MTR Imports, Inc., a corporation organized under the laws of the State of Illinois, located at 18 West 194 Holly Avenue, Westmont, Illinois 60559.

The trade name is used in connection with various Indian food product mixes and powders. The merchandise is manufactured in India.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Delois P. Cooper, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington, DC 20229 (202 566–6956).

Dated: February 12, 1992.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 92–3799 Filed 2–18–92; 8:45 am]

BILLING CODE 4820–02–M

Office of Thrift Supervision

Gate City Federal Savings and Loan Association; Ratification of Approval of Conversion

Notice is hereby given that, pursuant to the authority contained in 12 CFR part 563b, the Director of the Office of Thrift Supervision ("Office") duly ratified the approval of the conversion of Gate City Federal Savings and Loan Association ("Association"), Gate City, North Carolina, from mutual to stock form, rendered by the designee of the Office's Chief Counsel on June 18, 1991, and approved the Association's conversion as of that date *nunc pro tunc*, on February 3, 1992.

Dated: February 12, 1992.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92–3826 Filed 2–18–92; 8:45 am]

BILLING CODE 6720–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 33
Wednesday, February 19, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, Feb. 19, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Section 15 Operations.

The staff will brief the Commission on compliance activities relating to enforcement of Section 15 of the Consumer Product Safety Act.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504–0800.

Dated: February 12, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92–3919 Filed 2–14–92; 11:14 am]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION:

DATE: Thursday, Feb. 20, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

MATTERS TO BE CONSIDERED:

9:30 a.m.—Open to the Public

1. Pride in Public Service

The Commission will present the Pride in Public Service award to February's recipient.

2. Petition CP 90–2, Spas/Hot Tubs

The staff will brief the Commission on petition CP 90–2 from Dr. Edward Press requesting mandatory requirements for spas/hot tubs.

3. Garage Door Operators

The staff will brief the Commission on proposed rules specifying certification and recordkeeping requirements for automatic residential garage door operators.

2:00 p.m.—Closed to the Public

4. Section 15 Operations

The staff will brief the Commission on compliance activities relating to enforcement of Section 15 of the Consumer Product Safety Act.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504–0800.

Dated: February 12, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92–3920 Filed 2–14–92; 11:14 am]

BILLING CODE 6355–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 P.M. (Eastern Time) Tuesday, March 3, 1992.

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, NW., Washington, DC 20507.

STATUS: Part of the Meeting will be Open to the Public and Part will be Closed to the Public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations

Closed Session

1. Litigation Authorization: General Counsel Recommendations
2. Agency Adjudication and Determination on the Record of Federal Agency Discrimination Complaint Appeals

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 663–7100 (voice) and (202) 663–4494 (TTD) at any time for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–7100.

Frances M. Hart,

Executive Officer, Executive Secretariat.

This Notice Issued February 13, 1992.

[FR Doc. 92–3954 Filed 2–14–92; 2:12 pm]

BILLING CODE 6750–06–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–92–04]

TIME AND DATE: March 3, 1992 at 2:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings
2. Minutes
3. Ratification List
4. Petitions and complaints
5. Inv. 731–TA–514 (Final) (Shop towels from Bangladesh)—briefing and vote
6. Any items left over from previous agenda

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205–2000.

Dated: February 13, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–3928 Filed 2–14–92; 11:36 am]

BILLING CODE 7020–02–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 17, 24, March 2, and 9, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 17

Friday, February 21

10:00 a.m.
IG Briefing on Review of NRC Programs (Closed—Ex. 2)

12:00 m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of February 24—Tentative

Tuesday, February 25

10:00 a.m.
Briefing on Design Basis Reconstitution Programs (Public Meeting)

Wednesday, February 26

2:30 p.m.
Briefing by Executive Branch (Closed—Ex. 1)

3:15 p.m
Classified Safeguards Briefing (Closed—Ex 1)

4:00 p.m.
Affirmation/Discussion and Vote (Public Meeting)

a. Commission Reconsideration of Standards Covering Combined License Hearing (Tentative)

Week of March 2—Tentative

Wednesday, March 4

10:00 a.m.
Briefing by NARUC on Economic Issues Associated with Nuclear Power Plant Operations and HLW Programs (Public Meeting)

Thursday, March 5

2:00 p.m.
Periodic Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 9—Tentative

Tuesday, March 10

2:00 p.m.
Briefing on Risk-Based Regulations Transition Strategy (Public Meeting)

Wednesday, March 11

1:30 p.m.
Briefing on Requirements for Integral System Testing of Westinghouse AP-600 (Public Meeting)

Thursday, March 12

2:00 p.m
Periodic Meeting with the Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETING CALL (RECORDING): (301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: February 14, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92–3967 Filed 2–14–92; 2:21 pm]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of February 17, 1992.

A closed meeting will be held on Tuesday, February 18, 1992, at 3:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 18, 1992, at 3:00 p.m., will be:

Institution of injunctive actions.
Settlement of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Litigation matter.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Judy Gelber at (202) 272–2200.

Jonathan G. Katz,

Secretary.

February 12, 1992.

[FR Doc. 92–3935 Filed 2–14–92; 12:27 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER CITATION" OF PREVIOUS ANNOUNCEMENT: [57 FR 4910 February 10, 1992].

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Wednesday, February 5, 1992.

CHANGE IN THE MEETING: Cancellation.

A closed meeting scheduled for Thursday, February 13, 1992, at 10:00 a.m., has been canceled.

Commissioner Roberts, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Stephen Luparello at (202) 272–2100.

Jonathan G. Katz,

Secretary.

February 12, 1992.

[FR Doc. 92–3936 Filed 2–14–92; 12:27 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 57, No. 33
Tuesday, February 18, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI-42-90]

RIN 1545-A069

Bad Debt Reserves of Thrift Institutions

Correction

In proposed rule document 92-697, beginning on page 1232, in the issue of Monday, January 13, 1992, make the following corrections:

1. On page 1232, in the third column, under *Need for the Regulations*, in the second paragraph, in the fifth line, "953(a)(2)," should read "593(a)(2),".

2. On the same page, in the same column, under *Methods of Accounting for Bad Debts*, in the second paragraph, in the fourth line, "595(b)" should read "585(b)".

3. On page 1233, in the second column, under *Sections 585(c)(3) and 585(c)(4)*, in the second paragraph, in the fifth line, "Rule." should read Rul.", and in the sixth line, "71." should read 171.".

4. On page 1235, in the third column, in the seventh line, "year change" should read "year of change".

§ 1.593-12 [Corrected]

5. On page 1236, in the second column, in § 1.593-12(a)(2), in the seventh line, "§ 1.381(4)-1" should read "§ 1.381(c)(4)-1".

6. In the same column, in § 1.593-12(a)(3), in the ninth line, "requirements" was misspelled.

7. On page 1237, in the second column, in § 1.593-12(d), in *Example 2.*, in the fifth line, "§ 1.585-5(c)" should read "§ 1.585-5(c))".

8. In the same paragraph, in the 13th line, "exceed" was misspelled.

9. On the same page, in the third column, under *Example 3.*, in the seventh line, "asset" was misspelled.

§ 1.593-13 [Corrected]

10. On the same page, in the same column, in § 1.593-13(a)(2), in the 15th line, "procedure" was misspelled.

11. On page 1239, in the first column, in § 1.593-13(c)(5), in the example, in the fourth line, "§ 1593-12(b)(3)" should read "§ 1.593-12(b)(3)".

12. On the same page, in the third column, in § 1.593-13(d)(2), in the third line, "this" should read "its".

13. In the same column, in § 1.593-13(d)(3), in the last line, "of" should read "in".

§ 1.593-14 [Corrected]

14. On page 1241, in the third column, in § 1.593-14(d)(2)(ii)(B), in the fourth line "an" should read "any".

15. On page 1242, in the 1st column, in § 1.593-14(d)(4)(ii), in the 12th line, "of" should read "or".

16. On the same page, in the third column, in § 1.593-14(d)(6), in the first line, "6." should read "(6)".

17. On page 1243, in the first column, in § 1.593-14(d)(6), in *Example 2.(ii)*, in the tenth line, "adjustments" was misspelled, and in the 12th line, "4819a)" should "481(a)".

18. In the same column, in the same section, in *Example 3.(i)*, in the 13th line, after "481(a)", insert "adjustment under § 1.593-14(d)(3), and elects to net section 481(a)".

19. In the same example, in paragraph (ii), in the sixth line, after "under" insert "§ 1.593-13(c)(2)(ii) to be $500,000. Under".

BILLING CODE 1505-01-D

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 1

[FI-3-91]

RIN 1545-AQ14

Capitalization of Certain Policy Acquisition Expenses

Correction

In proposed rule document 91-27515, beginning on page 58003, in the issue of Friday, November 15, 1991, make the following corrections:

§ 1.848-2 [Corrected]

1. On page 58012, in the first column, in § 1.848-2(i), Example 3.(i), in the table, in the heading, in the second column, the word "Expense" should be removed.

§ 1.848-3 [Corrected]

2. On page 58013, in the second column, in § 1.848-3(c)(2), in the eighth line, "section 848(d)(1)(b)" should read "section 848(d)(1)(B)"

3. On the same page, in the third column, in § 1.848-3(a)(4), in the ninth line "848(b)(1)(8)" should read "848(b)(1)(B)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8367]

RINS 1545-AL29, 1545-AM13, 1545-AN53

Transition Rules for Certain Qualified Business Units Using a Profit and Loss or a Net Worth Method of Accounting for Tax Years Beginning Before January 1, 1987 and the Definition of the Weighted Average Exchange Rate

Correction

In rule document 91-22656 beginning on page 48433, in the issue of Wednesday, September 25, 1991, make the following correction:

On page 48437, in the first column, in amendatory instruction 4., in the first line, "1.989(b)" should read "1.989(b)-1T".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8382]

RIN 1545-AO82

Penalty on Income Tax Return Preparers Who Understate Taxpayer's Liability on a Federal Income Tax Return or a Claim for Refund

Correction

In rule document 91-30709 beginning on page 67509, in the issue of Tuesday, December 31, 1991, make the following corrections:

1. On page 65712, in the first column, in the third paragraph, in the sixth line, "of" should read "or".

2. On the same page, in the 3rd column, in the 12th line, "to" should read "for".

§ 1.6694-1 [Corrected]

3. On page 67515, in the 3rd column, in § 1.6694-1(e)(2), in the 2nd full paragraph, in the 11th line, "not" should read "no".

§ 1.6694-2 [Corrected]

4. On page 67518, in the first column, in § 1.6694-2(d)(4), in the fourth line from the bottom, "or" should read "of".

5. On the same page, in the same column, in § 1.6694-2(d)(5), in the sixth line, after "good" insert "faith".

§ 1.6694-4 [Corrected]

6. On page 67520, in the first column, in § 1.6694-4(b)(2), in the third line, the phrase beginning with "the preparer***" and ending with "section." should have been set flush.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8393]

RIN 1545-AM63

Civil Cause of Action for Failure to Release a Lien Under I.R.C. § 6325

Corrections

In rule document 92-2025 beginning on page 3537 in the issue of Thursday, January 30, 1992, make the following corrections:

1. On page 3539, in the first column, in the first full paragraph, in the fourth line, "earliers" should read "earlier".

§ 301.7432-1 [Corrected]

2. On the same page, in the third column, in § 301.7432-1(a)(2), in the first line beginning with "The amount***" should be set flush.

BILLING CODE 1505-01-D

federal register

Wednesday
February 19, 1992

Part II

The President

Proclamation 6404—National Visiting Nurse Associations Week, 1992

Federal Register
Vol. 57, No. 33
Wednesday, February 19, 1992

Presidential Documents

Title 3—

The President

Proclamation 6404 of February 14, 1992

National Visiting Nurse Associations Week, 1992

By the President of the United States of America

A Proclamation

When Florence Nightingale and William Rathbone's concept of the visting nurse was brought to the United States in 1885, that event marked the beginning of a long and distinguished tradition of service to homebound Americans. Today the Department of Health and Human Services reports that more than 1,500,000 men, women, and children receive home health care and support services through visiting nurse associations. Such assistance is invaluable to persons who are terminally ill, to persons who are recovering from a temporary illness or injury, and to persons who are incapacitated by a chronic disease or disability—individuals who might otherwise be forced to seek care in an institutional setting. Visiting nurse associations enable these Americans to obtain needed services in the comfort and security of their own homes.

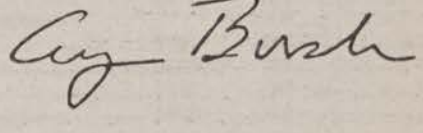
While it is inspired by the same spirit of compassion and volunteerism, the role of the visiting nurse has changed dramatically over the past 100 years. In addition to providing medical care, visiting nurse associations also offer social services, nutritional counseling and Meals-on-Wheels programs, as well as physical, speech, and occupational therapy. Today's visiting nurse associations also operate wellness clinics, hospices, and adult day care centers. Their efforts are a reminder that health care is made more accessible and more affordable by the hundreds of thousands of Americans who volunteer their time and service to others.

The Visiting Nurse Associations of America are independently operated community organizations that serve more than 500 urban and rural communities in 45 States. These organizations are committed to providing quality health care to all people, regardless of one's ability to pay, and this week, we gratefully salute the many hardworking professionals and volunteers who help to uphold their wonderful tradition of service.

The Congress, by Public Law 102–207, has designated the week beginning February 16, 1992, as "National Visiting Nurse Associations Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of February 16 through February 22, 1992, as National Visiting Nurse Associations Week. I invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc. 92-4015
Filed 2-18-92; 10:20 am]
Billing code 3195-01-M

Reader Aids

Federal Register

Vol. 57, No. 33

Wednesday, February 19, 1992

INFORMATION AND ASSISTANCE

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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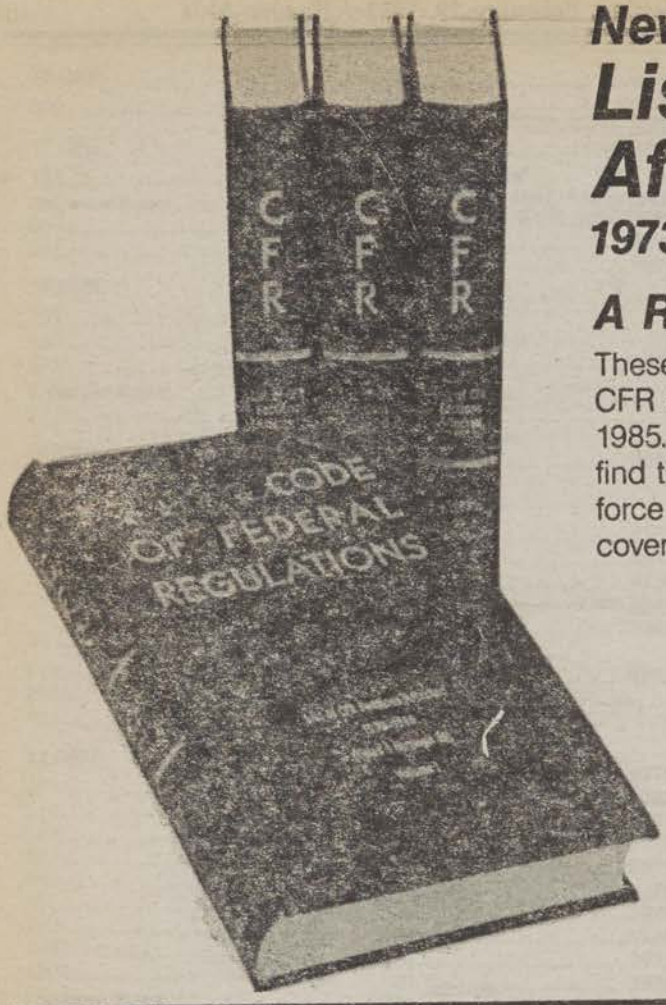

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1973-1985

A Research Guide

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